

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 370/ 2023 (S.B.)

1. Sheshrao S/o Shankarao Dewajwar,
Aged about 68 years, Occ. Retired,
R/o Vivekanand Nagar, Ward No. 21,
Gadchiroli, Dist. Gadchiroli.

2. Dhanraj S/o Pentanna Mutyalwar,
Aged about 69 years, Occ. Retired,
R/o Tadala, Post Chichala,
Tah. Mul, Dist. Chandrapur

Applicants.

Versus

1) The State of Maharashtra,
through its Secretary,
Employees Guarantee Scheme,
Mantralaya, Mumbai- 32.

2) The Collector, Chandrapur.

Respondents

Shri S.P.Palshikar, Id. Advocate for the applicant.

Shri S.A.Sainis, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

JUDGMENT

Heard Shri S.P.Palshikar, Id. counsel for the applicants and
Shri S.A.Sainis, Id. P.O. for the Respondents.

2. The case of the applicants is as under. The applicant no. 1
was initially appointed as a Muster Assistant on 04.12.1989, thereafter
he was discontinued from service w.e.f. 30.06.1990 and thereafter w.e.f.

05.03.1991 he was again continued in service as a Muster Assistant. So far as applicant no. 2 is concern he was initially appointed as a Muster Assistant on 02.01.1990. After giving technical break he was continued in service from 20.10.1993. Applicant no. 1 stood retired on 30.09.2015 after attaining the age of superannuation. Applicant no. 2 stood retired on 31.07.2014 after attaining the age of superannuation.

3. The respondents have not regularized their services. Both the applicants are not getting pensionary benefits, therefore, they approached to this Tribunal.

4. As per the submission of Id. Counsel for the applicants, this matter is covered by the Judgment of **Hon'ble Supreme Court in the case of Shaikh Miya S/o Shaikh Chand Etc. Vs. State of Maharashtra in Civil Appeal No.6531-6533/2022 (Arising out of SLP (C) Nos.6039-6041/2016) decided on 07.09.2022.** Hence, reply is not required.

5. The Id. Counsel for the applicants has pointed out Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in case of **the State of Maharashtra & Ors. Vs. Uttam S/o Narayan Vendait** in Writ Petition No. 8468/2015, decided on 16.12.2015. The Hon'ble Bombay High Court, Bench at Aurangabad has held that the services of Mustering Assistant are to be regularised from their initial date of engagement as a

Mustering Assistant and directed the respondents to pay the pension and pensionary benefits. Now the issue is settled by the Hon'ble Supreme Court in the case of *Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra* in Civil Appeal No.6531-6533/2022 (Arising out of SLP (C) Nos.6039-6041/2016). The Hon'ble Supreme Court has held that services of Mustering Assistant shall be counted from 31.03.1997 for pensionary benefits.

6. In view of the Judgment of Hon'ble Supreme Court in case of *Shaikh Miya S/o Shaikh Chand etc. Vs. State of Maharashtra* (Supra), the applicants are entitled to get their service regularized from 31.03.1997. Hence, the following order –

A. O.A. is allowed.

B. Respondents are directed to regularize the services of applicants' w.e.f. 31.03.1997 and pay all the service benefits including pensionary benefits within a period of **three months** from the date of receipt of this order.

C. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 09/06/2023.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 09/06/2023.
and pronounced on

Uploaded on : 12/06/2023.