

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No.647/2021 (S.B.)**

Nitin Baburao Chandurkar,  
Aged 50 years, Occu: Service,  
R/o Deshmukh Complex, Wathoda (Bhaipur),  
In front of Government Polytechnic,  
Tq. Arvi and Dist: Wardha.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Higher and Technical Education,  
Mantralaya, Mumbai – 32.
- 2) Director,  
Directorate of Technical Education,  
3-Mahapalika Marg, Post Box No. 1967,  
Opposite Metro Cinema, Mumbai-400 001.
- 3) Joint Director (Technical Education),  
Government Polytechnic Campus, Nagpur.
- 4) The Government Polytechnic, Arvi,  
Through its Principal, Arvi,  
Dist: Wardha.
- 5) Shri Shrikrishna Rambhauji Thute,  
Principal, The Government Polytechnic,  
Arvi, Wardha.

**Respondents**

**Shri A.C.Dharmadhikari, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the Respondents 1 to 4.**

**Shri S.R.Thute, Id. Counsel for the respondent no.5.**

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

**Dated :- 13.12.2023.**

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### **JUDGEMENT**

Heard Shri A.C.Dharmadhikari, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents 1 to 4. None for the respondent no.5.

2. Case of applicant in short is as under-

The applicant is working on the post of Work Shop Superintendent w.e.f. 07.08.1997. The applicant has completed his probation period and he is confirmed from 19.08.1999. As per selection grade order, applicant is entitled for pay scale of Rs. 37400-67000/- (G.P. Rs.9000/-) from 07.08.2008. Respondent no.2, Director of Technical Education, Mumbai has issued an order dated 25.03.2019 by which it is clear that the applicant is entitled for the above said pay scale of Rs.37400-67000/-. The applicant has made various representations. He has made 33 representations from time to time and requested the respondents to grant the P.B.-4 of Selection Grade. All these representations were not answered by the respondents. Therefore, the applicant has approached to this Tribunal for direction to pay arrears as per PB-4 of Selection Grade w.e.f. 07.08.2008 till today as per the orders

dated 06.06.2018 and 25.03.2019. As per the order dated 25.03.2019, his pay is fixed as per the Chart given below:-

परिशिष्ट अ							
कार्यालयीन आदेश क्र. 5(3)/एआयसीटीई/पीबी 4/2018/११२, दिनांक 25 MAR 2019 चे सहपत्र							
अ.क्र.	अध्यापकाचे नाव, पदनाम व संस्थेचे नाव	निवड श्रेणी मंजूरीचा आदेश क्रमांक व दिनांक	निवड श्रेणी मंजूरीचा दिनांक	निवडश्रेणीमध्ये 3 वर्षे पूर्ण झाल्याचा दिनांक	5 व्या वेतन आयोगाप्रमाणे निवडश्रेणी अनुज्ञेय वेतनश्रेणी	स्तंभ 4 व 5 च्या अनुषंगाने 6 व्या वेतन आयोगानुसार दि. 20/8/2010 चा शासन निर्णय व शासनाचे दि. 16 मे 2012 चे पत्रानुसार अनुज्ञेय वेतन बँड व ग्रेड पे	अभिप्राय
1	2	3	4	5	6	7	8
1.	श्री. नितीन बाबुराव चांदुरकर, कर्मशाळा अधीक्षक, शासकीय तंत्रनिकेतन, नंदुरबार.	कार्यालयीन आदेश क्रमांक 4 अ/आस्था/कॅस/2016/1156, दि 02.12.2016.	07.08.2008	07.08.2011	12000-420-18300	37400-67000/- एजीपी 9000 सह	

टिप : रकाना क्रमांक 4 मधील दिनांक ते रकाना क्रमांक 5 मधील दिनांक ह्या कालावधीत विनावेतन रजा असल्यास किंवा काही विशिष्ट प्रकरणी संबंधितांना पदोन्नतीसाठी अथवा वेतनवाढीसाठी अपात्र ठरविण्यात आले असेल अशा प्रकरणी रकाना क्रमांक 5 मधील दिनांकास पी बी 4 लागू न करता संबंधितांचा प्रस्ताव फेरसादर करून संचालनालयाची मान्यता घेण्यात यावी.

3. The respondents have not paid the arrears as per the pay fixation dated 25.03.2019. Therefore, he approached to this Tribunal for the following reliefs-

7. (A) *Hold and declare that the inaction on part of the respondents in not granting PB-4 arrears of selection grade as per pay scale mentioned in the order dated 06.06.2018 and 25.03.2019, passed by the respondent no. 2, Director from the period 07.08.2008 in the scale of Rs. 37400-67000 and further in reducing the reducing his pay-scale from Rs, 55440/- to 52250/- at the hand of the respondent no. 5 since he joined at Arvi on transfer is arbitrary, illegal and by holding so;*
- (B) *Direct the respondents to immediately grant PB-4 arrears of selection grade as per pay scale mentioned in the order dated 06.06.2018 and 25.03.2019, passed by the respondent no. 2, Director from the period 07.08.2008 till today, in the scale of Rs. 37400-67000 and further be pleased to direct to give/pay arrears in respect of the pay- scale which was reduced from 55440/- to 52250/- since July 2019 and pay all the arrears in respect to the same along with interest thereon in the interest of justice.*
- (B) *Direct the respondents to grant all consequential benefits to the applicant arising from the salary which was reduced from July 2019 including arrears of salary and fixation of pay, in the interest of justice.*
- (C) *Grant such other appropriate and suitable relief in favour of the applicant to meet the ends of justice.*

8. **INTERIM RELIEF:**

- (A) *During the pendency and final disposal of the present Original Application, direct the respondents to process the claim of applicant in respect of the arrears of PB-4 and salary which was reduced and arrears to which he is entitled, in the interest of justice.*
- (B) *Grant ad-interim relief in terms of Prayer Clause (A) above.*

4. The respondents 1 to 4 have filed their reply. It is submitted that the applicant was unauthorisely absent for a period of 572 days and 70 days respectively. Therefore, the respondents have not paid the amount as per the order dated 25.03.2019.

5. The applicant has filed affidavit on 13/14.02.2023. It is submitted in para 3 that he has received an amount of Rs.22,56,224/- on 15.02.2022 and Rs.3,04,475/- on 7.6.2022 which has been paid after a delay of 35 months and 39 months respectively. The applicant was entitled to receive the same along with interest w.e.f. 25.03.2019. It is submitted in para 7 that as per Government Resolution dated 24.06.2022, the similarly situated employee namely Dr.Yuvraj Shioram Kapgate was paid interest @ 6.85% p.a. on the arrears of the amount. It is stated in the affidavit that the applicant is entitled for the same relief as like similarly situated employee.

6. During the course of submission, learned counsel for the applicant has made submission that all the leave of the applicant of absent period are granted by the respondents. Therefore, the respondents have paid the arrears as stated in the affidavit. The learned counsel for the applicant has pointed out the G.R. dated 24.06.2022 and G.R. dated 22.11.1994 in this regard.

7. The learned P.O. submitted that the applicant is not entitled for the interest because he was unauthorisely absent. The amount of arrears of salary is already paid. Therefore, the O.A. is liable to be dismissed.

8. The applicant has already received arrears of pay as claimed in the O.A.. The applicant is only praying for direction to grant interest

@6.85% p.a.. The G.R. dated 22.11.1994 shows that if the salary, advance increment, D.A. etc are not paid within time, then employees are entitled for interest. The Guidelines are given in the G.R. dated 22.11.1994 for payment of interest.

9. It is clear from this G.R. dated 24.06.2022 that Government of Maharashtra have paid the amount of first A.C.P. of Rs.10,76,468/- w.e.f. 07.01.2017 to 31.07.2019 (30 months 25 days) with interest @6.85% to the similarly situated employee Dr.Yuvraj Shioram Kapgate with calculated interest of Rs. 1,89,278/-.

10. The applicant has received the arrears as per order dated 25.03.2019. The applicant has received the arrears of Rs.22,56,024/- on 15.02.2022 and Rs.3,04,475/- on 07.06.2022. The respondents have paid this amount after granting the leave of the applicant as submitted by learned counsel for the applicant. The applicant was deprived of the said amount from 25.03.2019. Therefore, he is entitled for the interest as paid to Dr.Yuvraj Shioram Kapgate.

11. In fact the Government of Maharashtra has issued G.R. of 2017 after the Judgment of the Hon'ble Supreme Court in the case of **the State of Jharkhand And Others Vs. Jitendra Kumar Srivastava And Another (2013) 12 SCC 210**. As per the G.R. of 2017, the Government of Maharashtra has directed to grant the same relief which was given to the

similarly situated employees. As per this G.R., the applicant is entitled to get interest @6.85% p.a. as paid to Dr.Yuvraj Shioram Kapgate.

12. The Government of Maharashtra has paid interest of the delayed period @6.85% to Dr.Yuvraj Shioram Kapgate. The applicant is also entitled for the same relief. In view of the G.R. of 2017, the following order is passed-

**ORDER**

1. The O.A. is partly allowed.
2. The respondents are directed to pay interest @6.85% to the applicant of the delayed period w.e.f. 25.03.2019 till the actual payment of arrears of pay as per order dated 25.03.2019.
3. No order as to costs.

**(Shri Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated :- 13/12/2023.**  
**rsm.**

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

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 13/12/2023.  
and pronounced on