

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 100/2022(S.B.)

Shri Bhaskar Sambhapa Revanshete,
Aged about 69 years, Occu. : Retired,
R/o. Samta Nagar, Wardha Road,
Near Sai Mandir, Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Forest and Revenue,
Mantralaya, Mumbai.
- 2) The Divisional Commissioner,
Amravati Division, Amravati.
- 3) The Collector, Yavatmal.
- 4) The Executive Engineer,
Public Works Department, Yavatmal

Respondents

Shri G.G.Bade, Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 14th September 2023.

JUDGMENT

Judgment is reserved on 6th September, 2023.

Judgment is pronounced on 14th September, 2023.

Heard Shri G.G.Bade, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

2. The applicant was appointed as Muster Assistant on 16.11.1983. Order of his termination dated 30.06.1990 was stayed by Labour Court, Amravati in Writ Petition No.207/1990 on 09.08.1990. He was reinstated and absorbed in the respondent department by order dated 20.04.2000 (Annexure A-3) by relying on G.R. dated 22.02.1993 (Annexure A-4). He retired on superannuation on 30.06.2012. As per G.R. dated 21.04.1999 (Annexure A-5) pay of the applicant was protected at the time of his absorption.

3. Stand of respondent no.4 is that the applicant can be treated to be a Government Servant only from the date of his absorption i.e. 24.04.2000 and he will be entitled to benefits accruing on that basis only.

4. At the time of final hearing the applicant placed on record order of his retirement on superannuation dated 30.06.2012 (at page 69).

5. The issue in this O.A. as to from which date Muster Assistant can be treated to have been regularised is no longer res-integra. **In Shaikh Miya Son of Shaikh Chand etc.Vs. State of Maharashtra Hon'ble Supreme Court** has held, by Judgment dated 17.09.2022, that Muster Assistant like the applicant shall be notionally treated to have been absorbed/regularised in Government service w.e.f. 31.03.1997, and will be entitled to benefits accruing as a consequence thereof. Hence, the order.

ORDER

The applicant is held entitled to benefits flowing from determination of date of his absorption / regularisation as 31.03.1997. The same shall be paid to him within two months from today.

O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 14/09/2023
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 Member (J).

Judgment signed on : 14/09/2023.

and pronounced on

Uploaded on : 15/09/2023.