

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO. 277/2022(S.B.)**

Shri Kawadu Harbaji Mude,  
Aged 69 years, Occu. : Retired,  
R/o. Post : Bhidi, Tah. : Deoli,  
Dist. : Wardha.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Rural Development,  
Mantralaya, Mumbai.
- 2) The State of Maharashtra,  
Through its Secretary,  
Department of E.G.S.,  
Mantralaya, Mumbai.
- 3) The Divisional Commissioner,  
Amravati Division, Amravati.
- 4) The Collector, Yavatmal.
- 5) The Chief Executive Officer,  
Zilla Parishad, Amravati.

**Respondents**

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Shri G.G.Bade, Ld. Counsel for the applicant.  
Shri A.M.Ghogre, Ld. P.O. for the respondents 1 to 4.  
None for the respondent no.5.

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

**Dated: - 27<sup>th</sup> April 2023.**

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**JUDGMENT**

**Judgment is reserved on 26<sup>th</sup> April, 2023.**

**Judgment is pronounced on 27<sup>th</sup> April, 2023.**

Heard Shri G.G.Bade, learned counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the respondents 1 to 4. None for the respondent no.5.

2. Undisputed facts which are relevant are these.

The applicant was appointed as Muster Assistant on 16.02.1982. He was absorbed in regular cadre on 18.11.2003. He retired on superannuation on 31.03.2010.

3. Initially the applicant prayed that direction be issued to the respondents to extend pensionary benefits to him by treating him as permanent employee from the date of his appointment as Muster Assistant i.e. 16.02.1982. However, now the applicant is seeking relief as per ratio laid down in **Shaikh Miya S/o Shaikh Chand ETC. ETC. Vs. State of Maharashtra** (Judgment of Hon'ble Supreme Court delivered on 07.09.2022 in a batch of Civil Appeals) in this ruling it is held-

***We are thus of the view that the only direction which can be issued is that persons who have been absorbed over a period of time post 31.03.1997, for***

***pensionable service, the reckoning date would be 31.03.1997 and such of the persons who have rendered a pensionable service on that basis would be entitled to that benefits.***

Hence, the order.

**ORDER**

1. The O.A. is allowed in the following terms with no order as to costs.
2. The respondents are directed to count service of the applicant as regular service from 31.03.1997 for the purpose of pensionary benefits only.

(M.A.Lovekar)  
Member (J)

Dated – 27/04/2023  
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 : 27/04/2023.  
and pronounced on