

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 334 of 2021 (S.B.)**

Dr. Vijay S/o Rupraoji Sirsath,
aged about 47 years,
Occ. Joint Director, MSME-D-1, Raipur,
R/o 138, Vaibhav Nagar, Dighori,
Nagpur-440 034.

Applicant.

Versus

1. State of Maharashtra,
Through the Principal Secretary,
Ministry of Higher and Technical Education,
4th Floor, Mantralaya, Mumbai-400 032.
2. The Director, Directorate of Technical
Education (DTE), 3 Mahapalika Marg,
Opp. Metro Cinema, Mumbai-400 001.
3. Union of India, through Secretary,
Ministry of Micro, Small and Medium
Enterprises, Udyog Bhavan, New Delhi-110 011. **(Deleted)**.
4. The Development Commissioner (MSME),
7th Floor, Nirman Bhavan, Moulana Azad Road,
New Delhi-110 011 **(Deleted)**.
5. The Director, MSME Development Institute,
Bhanpuri Industrial Area, Post office-Birgaon
Raipur (Chhatisgarh)-493 221 **(Deleted)**.

Respondents.

**Ms. Kirti Satpute, Archana Narad, Advocates for the applicant.
Shri M.I. Khan, learned P.O. for respondent nos.1 and 2.**

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

Dated :- 22/11/2023.

J U D G M E N T

Heard Ms. Kirti Satpute, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for respondent nos.1 and 2.

2. The applicant had joined the respondent nos.3,4 and 5 which are related to the Central Government. Therefore, as pointed out by the learned P.O., by order dated 29/09/2021 the names of respondent nos.3,4 and 5 were deleted. The para nos.1 to 5 of the order dated 29/09/2021 are reproduced below –

“ Heard K. Satpute, ld. counsel for the applicant and Shri M.I. Khan, ld. P.O. for the State.

2. It appears that the learned counsel has first approached to the Hon'ble High Court, Bench at Nagpur in Writ Petition No.1460/2002. The applicant's name appears at Sr.No.3 i.e. Vijay S. Sirsat. It was decided on 27th June, 2017 and in para-8 following observations were made on page no. 66.

“(8) In the result, we dispose of this petition with liberty to the petitioners nos.1&3 to approach the competent authority making such grievance, which shall be considered in the light of the relevant provisions of law, rules and regulations and the G.R./Circulars applicable and non-consideration of the claims of the petitioners in this judgment shall not come in their way. No costs.”

3. Subsequently, the applicant appeared in the CAT in O.A.2141/2020 with M.A. No. 2132/2020 and order was pronounced on 19/1/2021 by the D.B. of CAT which is at page nos. 80&81. It appears that the applicant was previously Teacher in Government of Maharashtra and then he joined in Central Government in MSME Institute, Nagpur. Since the applicant's service falls within Maharashtra Govt. the CAT vide its decision dated 19/1/2021 observed in para-4 which is reproduced as below –

“(4) Since the earlier service of the applicant with State Govt. of Maharashtra has not yet been regularised, he cannot approach this Tribunal for grant of benefit of that service by the Central Government organization. First he should get his earlier service period regularised and in this regard he can seek relief from the appropriate forum. In view of this, the applicant’s counsel seeks permission to withdraw this O.A.”

4. Accordingly, the applicant approached to this Tribunal. As pointed out by Id. P.O., the applicant is directed to delete names which are related to Govt. of India i.e. Sr.Nos.3,4&5 and which are not related with MAT. After deleting these names, the matter will be heard. The Id. counsel submits that he will delete the names within one week.

5. After amendment, issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for the State. Hamdast allowed.”

3. The case of the applicant in short is as under –

The applicant was appointed as ad-hoc Lecturer (Mechanical Engineering) in the Government Engineering College, Amravati vide order dated 30.09.1999 till 31.05.2000 or till the candidate made available by the MPSC, whichever is earlier. After completion of 3 years continuous service, the applicant along with 12 others had filed Writ Petition No.1460/02 before the Hon'ble High Court of Judicature at Mumbai, Bench at Nagpur Bench. The applicant continuously worked as ad-hoc lecturer till 08.02.2007 with technical break for one month only once. He was getting annual increment after completion of 1 year service continuously.

4. The applicant was selected for the post of Assistant Director Grade-I (Mechanical) in Small Industries Service Institute,

Government of India. He was relieved on 08.02.2007. He joined to the new post on 09.02.2007 without any break. The pay of applicant was not protected, he was placed at the minimum of pay scale of his new post.

5. During the pendency of Writ Petition No.1460/2002, the similarly situated 91 Lecturers have filed Writ Petition No. 2046/2010, for seeking same relief of regularization. The applicant was promoted to the post of Deputy Director (Mechanical) on 07/08/2012. The Hon'ble High Court was pleased to partly allow the Writ Petition No.2046/2010 and directed the respondent to regularize the services who have completed 3 years of service with technical break, vide order dated 19.10.2013. The Hon'ble High Court was pleased to allow the regular salary from 01.11.2013. Another group of similarly situated Lecturers have also filed Writ Petition No.7461/2014 for seeking same relief of regularization.

6. The Hon'ble Apex Court was pleased to dismiss the S.L.P. vide order dated 06.01.2015. In view of the Order dated 19.10.2013, the Hon'ble High Court was pleased to allow the Writ Petition No. 7461/2014, vide order dated 27.01.2015. The Government of Maharashtra has issued the G.R. dated 13.03.2015 regularizing the services of 65 Ad-hoc /Contract basis Lecturers from the date of their appointment. However, the service of the applicant was not

regularised. On 21.09.2015, the Government of Maharashtra has issued another G.R. dated 21.09.2015 and those Lecturers who were working prior to 31.10.2005 on contract/ad-hoc basis would be eligible for pension.

7. The Writ Petition No.1460/2002 which was filed by Petitioners and others was listed before the Hon'ble High Court. The Hon'ble High Court was pleased to dispose off the said Writ Petition with liberty to applicant to approach the Competent Authority making such grievances which shall be considered by the respondent in the light of relevant provisions of law. The applicant submitted detailed representation for regularization on 29/05/2018. But, no action has been taken by the respondents though submitted several reminders. Being aggrieved by the inaction on the part of respondents, the applicant has filed the O.A.No.2141/2020 before the Central Administrative Tribunal (in short "CAT"), Mumbai, Camp sitting at Nagpur. The CAT was pleased to observe that the grievance regarding regularization is against the authorities of the State of Maharashtra. Therefore, the applicant has withdrawn the said O.A. with liberty to file the same before this Hon'ble Tribunal. The applicant has filed the present O.A. for the following reliefs –

"1. Call for the records of the case from the Respondents.

2. Direct the Respondent No.1 and 2 to regularize the services of applicant rendered as Ad-hoc Lecturer w.e.f. 31.10.1999 to 08.02.2007, at par with the other similarly situated 65 Ad-hoc lecturers whose services have been regularized as per the order dated 19.10.2013 passed by Hon'ble High Court of Judicature at Mumbai, Nagpur Bench at Nagpur in W.P. No. 2046/2010 and as per the Government Resolution dated 13.03.2015, for all purposes.

2.A) quash and set aside the clause (1) of letter dated 12.01.2022 issued by respondent No.2 through Assistant Director, Technical Education, Mumbai (Annexure A-20) whereby period w.e.f. 31.10.1999 to 08.02.2007 during which applicant has worked is not regularized.

3. To declare that, the applicant is eligible for pension under old pension scheme by counting the said period of service i.e. 31.10.1999 to 08.02.2007 for old pensionary benefits.

4. Any other relief, in the circumstances of the case may kindly be granted.

5. Allow the application with cost.”

8. The O.A. is strongly opposed by the respondents. It is submitted that there is a break in service of the applicant. The applicant left the service of State of Maharashtra and joined the services of the Central Government and therefore it is not a continuous service. Hence, the applicant is not entitled for regularisation of his service.

9. It is submitted that the Judgment of the Hon'ble High Court, Bench at Nagpur is not applicable to the case in hand. It is submitted that the Hon'ble High Court at the time of hearing in Writ Petition No.1460/2002 granted stay in favour of all the similarly

situated candidates along with the applicant and also told the respondents to think about their regularisation and no ad-hoc employee should be appointed in place of candidates till the candidate is made available from the MPSC. So the service of the applicant was protected by the above order of the Hon'ble High Court and he was continued till 2007. The para-5 of the reply (P-84) is reproduced below –

"5. Thereafter, the applicant was selected in the respondent no.3 services of Central Government and requested Principal Government College of Engineering Amravati vide letter dated 22.01.2007 to relive him so that he can joined the services accordingly Principal Government College of Engineering Amravati vide letter dated 08.02.2007 relieved the applicant so as to join the services in the respondent no 3 establishment.

I further say and submit that as per the order and judgment dated 19.10.2013 in WP No 2046 of 2010 which is finally disposed off by this Hon'ble Court on which the applicant is relying by issuing following directions viz.

"20. In view of the above, the W.P. needs to be partly allowed.

21. The writ petition is partly allowed.

22. The respondents are directed to regularize the services of such of the petitioners and confer permanency on such petitioners who have completed three years' service with technical breaks. The respondents shall absorb the Petitioners within a period of six weeks. Needless to state that the petitioners who are in continuous employment till 15.10.2013 shall be continued in service as regular employees.

I say that the directions issued by the Hon'ble Court was very much crystal clear and that is to regularize the services of only those employees who are in continuous employment till 15.10.2013.

I say that applicant long back relived from the service that too in the year 2007 so there is no question of regularization of the applicant back service and he has approached the Tribunal after the gap of almost 14 years which is not tenable on this ground itself the application is to be dismissed. It is necessary to point out that other contractual lecturers who were not in service filed W.P.No.4893/2015 and W.P.No.4902/2015, seeking the benefits of regularization of their contractual services rendered.”

10. The respondent no.2 has rightly rejected the claim of the applicant since he was not in the service on the date of the Judgment of the Hon'ble High Court and therefore he cannot claim the relief as prayed.

11. During the course of submission the learned counsel for the applicant has pointed out the appointment of the applicant by the respondents. There is no dispute about the appointment of the applicant on the post of Lecturer in the Government Engineering College, Amravati on ad-hoc basis. There is no dispute that he was continuous in service with a technical break. The learned counsel for applicant has pointed out the relieving letter dated 08/02/2007. As per this letter, the applicant was relieved by the respondent, i.e., the Principal, Government Engineering College, Amravati to join the posting in the Central Government on the post of Assistant / Deputy

Director w.e.f. 08/02/2007 subject to sanction by the Government of Maharashtra. The respondents have filed the copy of sanction letter granted by the Government of Maharashtra. Para-2 of the letter / sanction (P-108) is reproduced below –

“श्री. विजय शिरसाट यांना त्यांच्या विनंतीनुसार प्राचार्य, शासकीय अभियांत्रिकी महाविद्यालय, अमरावती यांनी दिनांक ०८/०२/२००७ रोजी (म.नं) पासून हंगामी अधिव्याख्याता, यंत्र अभियांत्रिकी या पदावरून कार्यमुक्त केलेल्या कार्यवाहीस कार्योत्तर मंजूरी देण्यात येत आहे.”

12. There is no dispute that the applicant was relieved by the respondents to join the posting in the Central Government. There is no break in the service. The sanction was granted by the Government of Maharashtra to relieve the applicant by the Principal, Government Engineering College, Amravati.

13. The proposal was forwarded by the Principal, Government Engineering College, Amravati dated 12/01/2022 by which the Joint Director of Technical Education Department, Amravati was requested to approve the pay fixation as per the 6th Pay Commission (P-101).

14. During the course of submission the learned P.O. Shri M.I. Khan strongly submits that the Judgment passed by this Tribunal in O.A.No.38/2021 is challenged before the Hon'ble Bombay High Court, Bench at Nagpur in W.P.No.4701/2023. The Hon'ble High Court issued notice to the respondents, but stay is not granted. The learned P.O. has pointed out the Judgment in Writ Petition No.4701/2023 and

submits that once the Writ Petition is pending, this Court cannot decide the matter pending before this Tribunal. It is pertinent to note that no any order of the present petition is challenged before the Hon'ble High Court. From the cited Judgment by the side of respondents, it is clear that when the pending matter is challenged before the Hon'ble High Court and it is pending before the Hon'ble High Court, then the subordinate Court cannot decide the matter. The Hon'ble High Court has held that "once the amendment was allowed, it is difficult to understand under what provision the Family Court has disallowed the said amendment by a subsequent order while considering the application of the present petitioner for framing additional issue. The approach adopted is totally perverse. From the perusal of the pleadings, it can also be seen that the additional issue which was sought to be framed was necessary in view of the amended pleadings. The amendment which was granted earlier therefore is restored and the application of the present petitioner for framing additional issue stands allowed -----."

15. It is clear from the Judgment that the order of Family Court was challenged before the Hon'ble High Court and the petition was pending before the Hon'ble High Court. During the pendency of the said petition, the subordinate Court cannot decide the same matter. In the present matter no any order is under challenge before the Hon'ble

High Court and therefore the cited decisions are not applicable to the case in hand.

16. There is no dispute that in Writ Petition No.2046/2010, the Hon'ble High Court directed the respondents to regularise the services of Lecturers who were appointed in the Government Colleges. Those appointments were as per the rules though they were appointed as ad-hoc employees, but all the procedures for the recruitment were followed and therefore they are entitled for protection. Near about 65 similarly situated Lecturers like the applicant were regularised by the Government of Maharashtra by issuing the G.R. dated **13/03/2015**. The applicant and one other person namely Dr. Ashish Mahalle filed Writ Petition No.1460/2002. The said Writ Petition was disposed of by the Hon'ble High Court with a direction to petitioner nos.1 and 3, i.e., Dr. Ashish Mahalle and the present applicant Dr. Vijay R. Sirsath to approach to the competent authority making such grievance, which shall be considered in the light of the relevant provision of law -----".

17. Dr. Ashish Mahalle had filed the O.A.No.38/2021 before this Tribunal. This Tribunal has held in para nos.10 to 15 as under –

"10. There is no dispute that the applicant was appointed on 30/09/1999. His service was continued with technical breaks as per the order of this Tribunal, their services were protected and applicant along with other employees were continued in service. They had preferred the Writ Petition No.1460/2002 before the Hon'ble Bombay

High Court, Bench at Nagpur. The Hon'ble High Court had granted interim relief on 16/4/2002 and continued the protection of service given by the Tribunal. Other similarly situated employees who were appointed along with applicant had also filed W.Ps. 10145/2014 and 7461/2014 (P-113). Those petitions were jointly decided on 27/01/2015. On the basis of the decision of High Court, the Govt. had taken a decision on 13/03/2015 to regularise the services of ad-hoc employees those who were in Govt. service. Material portion of para-2 of the G.R. is reproduced as under –

२. शासकीय अभियांत्रिकी व औषधनिर्माण महाविद्यालयातील हंगामी व कंत्राटी स्वरूपात कार्यरत असलेल्या ३४ अध्यापकांनी याप्रकरणी मा. उच्च न्यायालयाने दिलेल्या आदेशानुसार त्यांच्या सेवा नियमित करण्याबाबत विविध न्यायालयात याचिका दाखल केल्या आहेत. यापैकी न्यायालयात प्रलंबित असलेल्या रिट पिटीशन क्र. १०१४५/२०१४ व ७४६९/२०१४ या याचिकेच्या अनुषंगाने मा. उच्च न्यायालय मुंबई खंडपीठ यांनी एकत्रीतपणे दि. २७/०१/२०१५ रोजी पुढील प्रमाणे आदेश दिले आहेत.

- “Hence for the reasons recorded in the judgment dated १९/१०/२०१३ in Writ Petition No. २०४६ of २०१०, we partly allow these writ petitions and direct the respondents to regularise the services and confer permanency on such petitioners, who have completed ३ years of service with technical breaks and who are still in service. The respondents are directed to absorb the petitioners within a period of ६ weeks and pay the regular salary to the petitioners from the date of their absorption. Just like the order passed in the Writ Petition No.२०४६ of २०१०, though we direct the respondents to grant continuity of service to the petitioners, we make it clear that the petitioners would not be entitled to claim any monetary benefits towards the past services rendered by them.”

11. *There is no dispute that the applicant was appointed as a Reader in the Rashtra Sant Tukdoji Maharashtra University, Nagpur. It is government recognised post. The applicant applied for relieving him from Engineering College of Amravati. He was relieved to join the new posting as a Reader. The applicant was in continuous service when he joined the post of Reader in the year 2009.*

12. *The applicant was made permanent on the post of Professor as per office order dated 11/05/2011 (P-162) of Vice Chancellor, Rastra Sant Tukdoji Maharaj University, Nagpur. The applicant was appointed by the MPSC on the post of Professor in Govt. Engineering College, Jalgaon as per the order dated 28/12/2016 (Annex-A-17). The applicant could not join and therefore on his request he was posted at Amravati in the Govt. Engineering College.*

13. *It is clear from the documents filed on record that whole service of the applicant was as a Lecturer in the Government Engineering College and as a Reader in the Laxminarayan Institute of Technology. The services of the applicant were protected by this Tribunal and thereafter by the Hon'ble Bombay High Court, Bench at Nagpur. The Hon'ble Bombay High Court, Bench at Nagpur has passed the order in Writ Petition No. 2046/2010. In para-22 of the order passed in Writ Petition No. 2046/2010 is reproduced as under –*

“22. The respondents are directed to regularize the services of such of the petitioners and confer permanency on such petitioners who have completed three years' service with technical breaks. The respondents shall absorb the petitioners within a period of six weeks. Needless to state that the petitioners who are in continuous employment till 15.10.2013, shall be continued in service as regular employees.

However, in the facts and circumstances of the case, we direct that the petitioners shall be entitled to regular salary from 1st November, 2013 and would not be entitled to claim any monetary benefits for the past services rendered by them in spite of their regularization. Needless to state that since the petitioners' services are regularized, they shall be entitled to the continuity in service for all other purposes except monetary purposes from the date of their first appointment.”

14. *The applicant was in service for more than three years from 1999, therefore, he is also entitled for the same relief in view of the G.R. dated 28/2/2017. On the basis of the Judgment of Bombay High Court, similarly situated employees like the applicant were*

regularised. Therefore, the same treatment should have been given by the respondents to the applicant in view of G.R. dated 28/2/2017. The Judgments pointed out by the learned counsel for applicant show that similarly situated employees approached to the Tribunal / High Court got the benefit of old pension scheme by counting their ad-hoc services as a regular services. In Writ Petition No. 5273/2017 decided on 3/7/2019, the Hon'ble Bombay High Court, Bench at Nagpur passed the following order –

“(4) Writ Petition is allowed. Respondents no.1 and 2 are directed to consider the claim of the petitioner regarding taking into account the ad-hoc service of the petitioner for granting continuity in service, making of placement in service and grant all pensionary and retiral benefit to the petitioner on the same line as they have done following the directions issued by this Court on 17/9/2018 in Writ Petition No.4770/2017. Of course, we make it clear here that some facts extent, the discretion can be appropriately exercised by the respondents.”

15. *The Maharashtra Administrative Tribunal, Principal Bench, Mumbai in O.A. 43/2018 granted relief to the similarly situated employees whose services were ad-hoc basis. It was declared that period of employment of the said employees, i.e., the temporary period shall be treated as ad-hoc employee for the consideration of benefit of time bound promotion. The break in service being a technical break shall be treated as continuity in service.”*

18. The present applicant is similarly situated employee like Dr. Ashish Mahalle. This Tribunal has allowed the O.A.No.38/2021 by passing the following order –

“(i) The O.A. is allowed.

(ii) *The impugned communications dated 17/1/2022 and 21/1/2022 are hereby quashed and set aside.*

(iii) *The respondents are directed to regularise the service of the applicant from the date of his initial appointment from 30/09/1999 for the purpose of counting his services for pensionary benefits. The respondents are directed to give all the benefits of old pension scheme to the applicant treating his regular service from 30/09/1999.*

(v) *No order as to costs.”*

19. The only difference between Dr. Ashish Mahalle and the present applicant is that the present applicant joined the service in the Central Government during the pendency of Writ Petition before the Hon'ble High Court. The order of Hon'ble High Court in the Petition filed by the applicant clearly shows that the applicant and Dr. Ashish Mahalle were directed to approach the respondents by submitting the representation to regularise the services of Dr. Ashish Mahalle and the present applicant Dr. Vijay Sirsath. Both had moved the representation, but the respondents have not considered the same. Therefore, Dr. Ashish Mahalle approached to this Tribunal in O.A.No.38/2021. This Tribunal has granted the relief to Dr. Ashish Mahalle. The present applicant is the similar person as like Dr. Ashish Mahalle. There is no break in service of the applicant. On 08/02/2007, the applicant was relieved by the respondent, i.e., the Principal, Government Engineering College, Amravati. On 09/02/2007, he joined in the Central Government service. There is no break in service. The

sanction is also given by the Government of Maharashtra to relieve the applicant to join the new posting and therefore there is no break in service.

20. The applicant approached to the CAT. The CAT has observed that regularisation of services of the applicant is the issue which is to be decided by the State Government and therefore the applicant approached to this Tribunal. The respondent nos.3,4 and 5 were made party which are related to the Central Government, but as per the order of this Tribunal dated 29/09/2021 the names of respondent nos.3,4 and 5 were deleted from the array of this O.A.

21. The applicant is the similarly situated person like Dr. Ashish Mahalle. This Tribunal has decided the O.A.No.38/2021 on 14/07/2022. The applicant is entitled for the same relief.

22. The learned P.O. submits that the Judgment in O.A.No.38/2021 is challenged before the Hon'ble High Court and petition is pending before the Hon'ble High Court. There is no any stay granted by the Hon'ble High Court, only notice is issued. The Petition is not also admitted by the Hon'ble High Court. If the respondents feel aggrieved, then the respondents are at liberty to challenge this Judgment before the Hon'ble High Court. Hence, the submission of learned P.O. that this O.A. should not be decided is not correct. He has pointed out the Judgment to show that once the

matter is pending before the Hon'ble High Court, the subordinate Court cannot decide the same. Both the cited the Judgments are on wrong footing. In the cited Judgment, the Judgments of subordinate Court were under challenge before the Hon'ble High Court and therefore the Hon'ble High Court has held that once the matter is pending against the order of subordinate Court, then the subordinate Court cannot decide the said matter. None of the order in this O.A. is under challenge before the Hon'ble High Court. Hence, the submission made by the learned P.O. cannot be considered.

23. The learned P.O. has pointed out the clarification order dated 27/04/2017 in W.P.No.2046/2010. As per the clarification order, the Hon'ble High Court has observed that those who are appointed on temporary or contractual basis and who are removed after putting in service in a year's or two years service are also seeking regularisation. It is clarified that the said Judgment would not lay the ratio that, the persons who are appointed on purely contractual or temporary basis without following the due selection process as laid down by the Apex Court in the case of Umadevi, would also be entitled to regularisation of their services.

24. The learned P.O. has pointed out the order dated 21/11/2017 in W.P.No.2046/2010. In para-4 the Hon'ble High Court has observed that "If both, judgment and order dated 19th October,

2013 so also clarificatory order dated 27th April, 2017 are read together the position is very clear that **only such of the employees who were in continuous employment as on 15th October, 2013 are entitled to the protection granted by us.**”

25. The learned P.O. has submitted that the applicant was not in continuous service therefore he is not entitled for the protection / regularisation.

26. The applicant had joined in the Central Government service on 09/02/2007. He was relieved on 08/02/2007. Sanction was given by the Government of Maharashtra to relieve him. There is no break in service of the applicant and therefore the submission of learned P.O. that there is break in service, cannot be accepted.

27. The applicant is the similarly situated employee like Dr. Ashish Mahalle. The respondents i.e. the State of Maharashtra has issued the G.R. dated 28/02/2017. By the said G.R., the Government of Maharashtra has decided to give similar treatment to the similarly situated employees. That G.R. was issued by the Government of Maharashtra as per the Judgment of the Hon'ble Supreme Court in the case of ***State of Uttar Pradesh & Ors. Vs. Arvind Kumar Srivastava reported in 2015 (1) SCC, 347.***

28. The respondents were expected to give the similar treatment to the applicant, because, he is a similarly situated employee as like Dr. Ashish Mahalle and others. The respondents are not following their own G.Rs. Other similarly situated ad-hoc lecturers were regularised by the respondents as per the G.R. dated 13/03/2015 (P-56). The Government of Maharashtra has complied the Judgment of the Hon'ble Bombay High Court in W.P.Nos.10145/2014 and 7461/2014. The applicant is the similarly situated person and therefore as per the G.R. 28/02/2017, the applicant is entitled for the equal treatment as like other similarly situated employees. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned communication dated 12/01/2022 is hereby quashed and set aside.
- (iii) The respondents are directed to regularise the services of the applicant from the date of his initial appointment from 31/10/1999 till 08/02/2007.
- (iv) After regularisation of his service, the applicant is at liberty to claim the benefit of old pension scheme from his new employer, i.e., the Central Government.
- (v) No order as to costs.

Dated :- 22/11/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 22/11/2023.