

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 400/2023(S.B.)**

Pitambar s/o Ramdas Khobragade,  
aged about 59 years,  
occupation: retired,  
resident of. Gondpipri,  
District: Chandrapur.

**Applicants.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai-32.
- 2) The Collector, District Chandrapur.
- 3) The Commissioner, Agriculture,  
Commissionerate,  
Maharashtra State, Pune 05.
- 4) The District Superintendent Agriculture  
Officer, Chandrapur.
- 5) The Taluka Agriculture Officer,  
Taluka Jiwati,  
District: Chandrapur.

**Respondents**

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

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

**Dated:-** 26<sup>th</sup> June 2023.

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**JUDGMENT**

**Judgment is reserved on 20<sup>th</sup> June, 2023.**

**Judgment is pronounced on 26<sup>th</sup> June, 2023.**

Heard Shri S.Pande, 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 25.02.1988 (Annexure A-1). Against order of his termination he filed O.A.No.54/2017. O.As. were filed by some other similarly situated persons. O.A.No.54/2017 and other connected O.As. were decided by a common Judgment dated 01.08.2019 (Annexure A-2). Operative part of this Judgment reads as under-

***(i) The O.As. are allowed.***

***(ii) The respondents are directed to extend benefits of the G.Rs. dated 1/12/1995 and 21/4/1999 to the applicants and absorb them in service without giving any monetary benefits. No order as to costs.***

By order dated 20.05.2022 (Annexure A-3) the applicant was directed to be absorbed. He was accordingly absorbed and given the

post of Peon. He retired on superannuation on 31.01.2023 (Annexure A-4). He made a representation (Annexure A-5) that his pensionable service be considered from the date of his initial appointment i.e. 25.02.1988. This benefit was not extended to him. Hence, this O.A.

3. In common Judgment dated 01.08.2019, while referring to the case of the persons who were applicants in O.A.No.54/2017, it was observed-

***5. In O.A.54/2017 the services of the applicants were terminated without following the due procedure of law. They challenged their termination before the Labour Court, Chandrapur in ULP Case No.82/1993 and thereafter the Executive Engineer filed ULP Revision No.34/1995 challenging the direction to reinstate the applicants in service with continuity. In the revision submission was made by the Executive Engineer that all the applicants would be absorbed in service on the post of Mustering Assistant and consequently the Revision Application came to be disposed of as withdrawn.***

It may be reiterated that the applicant herein was one of the applicants in O.A.No.54/2017.

4. The principal prayer made by the applicant in this O.A. is as follows-

***A] Direct the respondents to consider the service of the applicant from the date of his initial appointment on the post of Mustering Assistant from 25.2.1988 till the date of retirement i.e. 31.1.2023 as a continuous service for the purpose of pension and pensionary / all retiral benefits.***

5. The issue involved in this O.A. has been decided by the Hon'ble Supreme Court to which a reference is made in the Judgment dated 21.03.2023 delivered by the Hon'ble Bombay High Court in W.P.No.5748/2019. In this Judgment it is held-

***5. We find that the very same issue as regards entitlement of Muster Assistants to get pensionary benefits has been considered by the Hon'ble Supreme Court in Shaikh Miya Shaikh Chand (supra). The relevant date for reckoning the pensionary benefits is taken as 31.03.1997. We find that the petitioner is similarly situated. Though appointed on 05.02.1985, he was directed to be treated as in employment with continuity in service by the Labour Court when the order of termination dated 14.07.1988 was set aside. Notwithstanding the absorption of his services on 10.06.2003 in the light of the aforesaid decision, the petitioner would be entitled to the pensionary benefits by taking into consideration the relevant date as 31.03.1997.***

6. In view of aforesaid factual and legal position the O.A. deserves to be allowed in the following terms-

It is held that the applicant is entitled to receive pensionary benefits by considering his entry in service from 31.03.1997. Consequential benefits shall be extended to him. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 26/06/2023  
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 : 26/06/2023.  
and pronounced on