

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 433 of 2022 (S.B.)**

Vasudeo S/o Bapuji Virulkar,
aged 60 years, Occ. Retired,
R/o 6A, Bhagyashri Colony,
Siddhivinayak Nagar, Behind Gajanan Maharaj Temple,
Amravati-444604.

Applicant.

Versus

- 1) The State of Maharashtra,
through Its Principal Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-32.
- 2) Director of Technical Education,
Maharashtra State, 3 Mahapalika Marg,
Mumbai -400001.
- 3) Principal,
Government College of Engineering, Amravati-444 604.

Respondents.

**Shri S.P. Palshikar, Advocate for the applicant.
Shri A.M. Ghogre, learned P.O. for respondents.**

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

Dated :- 31/08/2023.

J U D G M E N T

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

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

The applicant was selected as a Lecturer (Group-A) (Junior) through the M.P.S.C. The applicant joined at Government College of Engineering, Chandrapur on 17/05/2002. The applicant was promoted as a Lecturer (Senior Grade). He was due for promotion as Assistant Professor selection grade on 18/08/2011. On 08/05/2018, he was promoted on the post of Assistant Professor (Selection Grade). He was selected through M.P.S.C. as an Assistant Professor on 03/08/2016. He joined on the post of Assistant Professor on 01/09/2016. On 30/06/2021, the applicant retired after attaining the age of superannuation.

3. While working as a Lecturer (Senior Grade), the applicant was getting salary in the Pay Scale of Rs.15600-391000 with Grade Pay Rs.7000/-. For the post of selection grade, the Pay Scale was Rs. 15600-39100 with Grade Pay Rs.8000/- as per the 6th Pay Commission. The applicant was entitled to get Pay Scale of Rs.37400-67000 with Grade Pay Rs.9000/- from 18/08/2014. His proposal was forwarded by R-3, but till date it is not decided. Hence, applicant approached to this Tribunal for the following reliefs –

“(i) to grant pay scale with AGP Rs.9000/- w.e.f. 18/08/2014;

(ii) further be pleased to direct the respondent No.2 to send the revised proposal of pension for the same to Competent Authority by giving time

bound program with a further direction to release the same within one month, in favour of the applicant ;

(iii) further be pleased to direct the respondent No.1 to release the arrears for the same from 18/08/2011 up to 30/06/2021 when the applicant stood retired;”

4. The O.A. is opposed by respondent nos.1 to 3. But, in para-11 the following submission is made –

“(11) It is further submitted that because of this order dated 22/08/2022 of the Hon’ble Tribunal is in force, the answering respondents could not process the proposal to grant pay scale with AGP Rs.9000/- w.e.f.18/08/2014.”

5. In para-10, it is submitted that because of the stay granted by this Tribunal in O.A.No.817/2022 to the G.R. dated 03/06/2022, the case of the applicant could not be processed. Therefore it is submitted to reject the O.A.

6. Heard Shri S.P. Palshikar, learned counsel for the applicant. He has pointed out the proposal moved by the respondents for granting benefit of pay fixation of the applicant as per order dated 11/10/2018. The copy of proposal is dated 11/12/2019. There is no dispute that the applicant is entitled for the pay scale as per order dated 11/10/2018, but only it is opposed on the ground that stay is granted by this Tribunal in O.A.No.817/2022. On the last date that

O.A. was perused by this Tribunal and this Tribunal has passed the following order –

“(4) Heard Shri S.A. Deo, Id. CPO for the State. He has strongly objected to grant status-quo. No harm will cause to the respondents, if the status-quo is granted till next date. Hence, the respondents are directed to maintain status-quo in respect of the impugned G.R. dated 3/6/2022. It is made clear that on the next date the respondents shall file reply. It is also made clear that status-quo will not be extended and final order will be passed on the next date.”

7. Prayers in this O.A. and O.A.No.817/2022 are different and therefore stay is granted in that O.A. cannot operate in this proceeding.

8. There is no dispute by the side of respondents for granting pay scale as per the proposal submitted by the respondents dated 11/12/2019. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to consider the claim of the applicant as per proposal dated 11/12/2019 for granting pay scale to the applicant as per order dated 11/10/2018.

(iii) If the applicant is eligible to get the pay scale as per proposal submitted by the respondents, then respondents shall pay all the arrears to the applicant as per his entitlement.

(iv) The respondents shall comply this order within a period of three months from the date of receipt of this order.

(v) No order as to costs.

Dated :- 31/08/2023.

(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 : 31/08/2023.