

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
COMMON JUDGMENT IN O.A.NO.443/2022, O.A.No.444/2022 &
O.A.No.445/2022
ORIGINAL APPLICATION NO. 443/2022 (S.B.)

Shri Urkuda s/o Pandhari Lanjewar,
Aged 62 years, Occu. Retired,
R/o. Heti (Girola), Post: Khedseoni,
Tah. Sadak-Arjuni, Distt. : Gondia.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai.

- 2) The Collector, Bhandara.

Respondents

Shri G.G.Bade, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

With

ORIGINAL APPLICATION NO. 444/2022 (S.B.)

Shri Eknath Chintaman Kapse,
Aged 61 years, Occu.: Retired,

R/o. Girola, Post: Khedsieoni,
Tah. : Sadak-Arjuni, Distt. : Gondia.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai.
- 2) The Collector, Bhandara
- 3) The Chief Conservator of Forest (Territorial),
Nagpur.
- 4) The Deputy Conservator of Forest,
Gondia Division, Gondia.

Respondents

Shri G.G.Bade, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

With

ORIGINAL APPLICATION NO. 445/2022 (S.B.)

Shri Babu s/o Manikram Bopche,
Aged 59 years, Occu.: Retired,
R/o. Shri Nagar Colony,
Sakoli, Distt. : Bhandara.

Applicant.**Versus**

- 1) The State of Maharashtra,
through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai.
- 2) The Collector, Bhandara.
- 3) Chief Conservator of Forest (Territorial),
Nagpur.
- 4) The Deputy Conservator of Forest,
Bhandara Division, Bhandara.

Respondents

Shri G.G.Bade, Ld. Counsel for the applicants.
Shri M.I.Khan, Ld. P.O. for the respondents.

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

Dated: - 11th August 2023.

COMMON JUDGMENT

Judgment is reserved on 10th August, 2023.

Judgment is pronounced on 11th August, 2023.

Heard Shri G.G.Bade, learned counsel for the applicants and

Shri M.I.Khan, learned P.O. for the respondents.

2. Common point is involved in these O.As.. Hence, the O.As. are being decided by this common Judgment.

3. All the applicants entered service as Mustering Assistant.

4. The applicant in O.A.No.443/2022 was absorbed in Government service on 06.10.2003 and he retired on superannuation on 31.07.2018. The applicant in O.A.No.444/2022 was absorbed in Government service on 19.10.2003 and he retired on superannuation on 30.06.2019. The applicant in O.A.No.445/2022 was absorbed in Government service on 16.10.2003 and he retired on superannuation on 30.06.2021.

5. Common contention of the applicants is that they be treated to be permanent employees from the date of their entry in service as Mustering Assistant.

6. Though, the respondent department has resisted the O.A., the issue is no longer *res integra*. In Judgment dated 07.09.2022 in the case of **Shaikh Miya s/o Shaikh Chand Vs. State of Maharashtra in Civil Appeal No.6531-6533/2022** the Hon'ble Supreme Court has held as follows-

In our view, what the Bench considered appropriate to issue notice was really the aspect that since the absorption occurred over a period of time, and

that may have deprived some persons to their service as permanent employees, it should be the notional date of absorption of 31.03.1997 which should be taken into account for determining the pensionable service.

Hence, the following order.

ORDER

1. The O.As. are allowed.
2. The applicants shall be treated to be permanent employees w.e.f. 31.03.1997 for determining the pensionable service, and are held entitled to all benefits flowing therefrom. No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 11/08/2023
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 : 11/08/2023.
and pronounced on : 11/08/2023.