

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 482/2022(S.B.)**

- 1) Ramkrupal S/o Gorelal Yadav,  
Aged 59 years, Occu.: Service,  
R/o Ramnagar Satarapur,  
Bokhara Road, Post. Godhni,  
Tah. & Distt. Nagpur.
- 2) Arun S/o Girdharilal Sharma,  
Aged 59 years, Occu.: Service,  
R/o Shitlamata Mandir, Gondpura,  
Sadar, Nagpur.
- 3) Shriram S/o Gopalrao Wat,  
Aged 57 years, Occu.: Service,  
R/o Plot No.24, Dhangawli Nagar,  
Durgamata Mandir,  
in front of Dhage Bungalow,  
Ayodhya Nagar, Nagpur.
- 4) Shivaji S/o Deorao Warambhe,  
Aged 59 years, Occu.: Service,  
R/o Colonel Bag (Natthu Aata Chakki),  
Near Kashibai Bus Stop,  
Umred Road, Nagpur.
- 5) Ramu S/o Punjaram Waghmare,  
Aged 59 years, Occu.: Service,  
R/o Plot No. 211, Laldas Chowk,  
Geji Borkar, behind Ram Mandir, Nagpur.
- 6) Gopal S/o Lakhanlal Shreewas,  
Aged 55 years, Occu.: Service,  
R/o Ashok Nagar, Near Gurunanak Hall,  
Kamal Chowk, Panchpaoli.

- 7) Ramsurat S/o Baidhyanath Yadav,  
Aged 52 years, Occu.: Service,  
R/o Ward No.68, Behind Shankar Mandir,  
Hajari Pahad, Nagpur.
- 8) Ashok S/o Fakira Sonone,  
Aged 59 years, Occu.: Service,  
R/o Ward No.98,  
In front of Kendra Vidyalaya,  
Shivaji Nagar, Chitanis Pura, Nagpur.
- 9) Deepak S/o Yadaorao Uke,  
Aged 58 years, Occu.: Service,  
R/o Plot No. AC/28, New Indora,  
Ribilikan Nagar, Jaripatka, Nagpur.
- 10) Kailas S/o Bihari Ukey,  
Aged 55 years, Occu.: Service,  
R/o Ward No.62, Near Bara Kholi,  
Gond Mohalla, New Indora, Nagpur.
- 11) Prakash S/o Gulabrao Bhingare,  
Aged 59 years, Occu.: Service,  
R/o Utthan Nagar, behind Water Filter,  
Borgaon Chowk, Gorewada Road, Nagpur.
- 12) Ratiram S/o Panduji Bhoyar,  
Aged 59 years, Occu.: Service,  
R/o Ward No.1, Amar Nagar,  
Nildoh, M.I.D.C. area,  
Hingna Road, Nagpur.
- 13) Mahadeo S/o Bhagwan Aadham,  
Aged 58 years, Occu.: Service,  
R/o C/o Wasudeo Charade House,  
Tekadi Mohalla, Zingabai Takli, Nagpur
- 14) Kailas S/o Kanthiram Dhawade,  
Aged 59 years, Occu.: Service,  
R/o Ward No.72, Old Bagad Ganj,

Gangabai Dhawade Mohalla,  
Bhandara Road, Nagpur.

- 15) Dinkar S/o Gulabrao Dhenge,  
Aged 58 years, Occu.: Service,  
R/o At Adyali, Post. Kalamna,  
Umred Road, Tah. & Distt.Nagpur.
- 16) Prabhakar S/o Ramrao Chowdhari,  
Aged 55 years, Occu.: Service,  
R/o Quarter No.2/7, Housing Board,  
Near Shitla Mata Mandir,Sadar, Nagpur.
- 17) Chandrabhan S/o Jago Darote,  
Aged 58 years, Occu.: Service,  
R/o Plot No.79, Chikhali Layout,  
Kalamna Market Railway Station Road,  
Kalmna, Nagpur.
- 18) Chandrashekhar S/o Narayan Deshmukh,  
Aged 54 years, Occu.: Service,  
R/o Plot No. 303, Kamgar Colony,  
Near Nagoba Mandir, Subhash Nagar, Nagpur.
- 19) Sudhakar S/o Jethuji Dharane,  
Aged 55 years, Occu.: Service,  
R/o Balabhau Peth, Hanuman Mandir, Nagpur-17.
- 20) Suresh S/o Banshilal Chaurasia,  
Aged 53 years, Occu.: Service,  
R/O 210/C, Khushbu Lawn,  
Bharat Town Colony, Kamptee Road,
- 21) Sunil S/o Haridas Bairisal,  
Aged 55 years, Occu.: Service,  
R/o Azad Nagar, Near Rajpal Kirana,  
Gittikhadan, Katol Road, Nagpur.
- 22) Harshawardhan S/o Harichandra Gajbhiye,  
Aged 56 years, Occu.: Service,

R/o Ward No.26, Binayaki Layout,  
Dhammadip, Nagpur.

- 23) Sudhakar S/o Baburao Ganbhoj,  
Aged 57 years, Occu.: Service,  
R/o Ganga Nagar, Beside Hajari Pahad,  
Katol Road, Nagpur.
- 24) Shalikram S/o Ishwar Gharad,  
Aged 54 years, Occu.: Service,  
R/o Plot No.49, Maa Bhawani Nagar,  
Wathoda, Chamat Mangal Karyalaya, Nagpur.
- 25) Sunil S/o Ramrao Gorle,  
Aged 54 years, Occu.: Service,  
R/o C/o Namdeorao Watkar, Borgaon,  
Gorewada Road, Nagpur.
- 26) Dnyaneshwar S/o Janba Pusadkar,  
Aged 56 years, Occu.: Service,  
R/o C/o Ganesh Bawane House,  
Ward No.33, Padole Nagar,  
Watul Road Zopadpattia, Nagpur.
- 27) Vinod S/o Shankarrao Perke,  
Aged 59 years, Occu.: Service,  
R/o C/o D.O. Chikate, Plot No.QN- 229,  
Chandan Nagar, Medical Road, Nagpur.
- 28) Suresh S/o Diwalu Jambulkar,  
Aged 52 years, Occu.: Service,  
R/o Balsamaj Wachanalaya (Library) Kabrasthan Road,  
Bhankheda, Mominpura, Nagpur.
- 29) Rajendra S/o Kawadu Lute,  
Aged 58 years, Occu.: Service,  
R/o Gangabai Ghat, Bhuteshwar Nagar,  
Near Govindrao Ninawe House, Nagpur.
- 30) Pradip S/o Pandurangji Kolte,

Aged 53 years, Occu.: Service,  
R/o Majidana Colony, Gittikhadan,  
Katol Road, Nagpur.

- 31) Vijay S/o Sadashivrao Khante,  
Aged 52 years, Occu.: Service,  
R/o Ward No.125, Chapare Mohalla,  
Timki Road, Kosarkar Mohalla, Nagpur.
- 32) Rajesh S/o Lakshaman Kanojiya,  
Aged 54 years, Occu.: Service,  
R/o Azad Chow, Sadar, Nagpur.
- 33) Raju S/o Shamrao Neware,  
Aged 52 years, Occu.: Service,  
R/O 3/3 Somwari Peth,  
In front of Employees State Insurance Hospital,  
Nagpur.
- 34) Rajendra S/o Kunjilal Markam,  
Aged 57 years, Occu.: Service,  
R/o Parvati Nagar, Behind Banode Kirana Shop,  
Nagpur.
- 35) Rameshwar S/o Gulabrao Malavi  
Aged 53 years, Occu.: Service,  
R/o Gittikhadan, Near Dinshaw Factory,  
Adiwasi Nagar, Borgaon, Nagpur.
- 36) Bhimrao S/o Sadashiv Meshram,  
Aged 60 years, Occu.: Service,  
R/o C/o Uttamrao Uke Maliwale,  
Kaushalya Nagar, Behind Vihar,  
Parvati Nagar, Nagpur.
- 37) Ravindra S/o Mahadeorao Kambale,  
Aged 55 years, Occu.: Service,  
R/o Ward No.117, Tulsi Bag Road,  
Chitanvis Pura, Mahal, Nagpur.

- 38) Gajanan S/o Futtuji Mahajan,  
Aged 56 years, Occu.: Service,  
R/o Near Gajanan Marwade House,  
Buddha Vihar, Gupta Chowk,  
Surendra Gad, Seminiary Hills, Nagpur.
- 39) Mansaram S/o Gadiji Nikure,  
Aged 62 years, Occu.: Retired,  
R/o C/o Plot No.14, Vilas Pandurangji Nikure House,  
Bainabai Nagar, Near Railway Crossing,  
Umred, Tah. Umred, Distt. Nagpur.

**Applicants.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary, Agricultural, Animal Husbandry,  
Dairy Development and Fisheries Department,  
Mantralaya, Extension, Mumbai-32.
- 2) Commissioner of Dairy Development,  
Department, Maharashtra State,  
Gafarkhan Marg, Worli Sea Face,  
Mumbai-18.
- 3) Regional Dairy Development Officer,  
Telanghedi Road, Nagpur-01.

**Respondents**

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Shri N.D.Thombre, Ld. Counsel for the applicants.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

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

**Dated: - 25<sup>th</sup> July 2023.**

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**JUDGMENT**

**Judgment is reserved on 19<sup>th</sup> July, 2023.**

**Judgment is pronounced on 25<sup>th</sup> July, 2023.**

Heard Shri N.D.Thombre, learned counsel for the applicants and Shri A.P.Potnis, learned P.O. for the respondents.

2. Case of the applicants is as follows.

The applicants are working in the respondent department on daily wages since 1999 without break. Recommendations of 5<sup>th</sup> and 6<sup>th</sup> Pay Commissions were made applicable to them (Annexures A-1 and A-2). By G.R. dated 30.11.2016 (Annexure A-3) benefits of increase in dearness allowances have been extended to them. However, in spite of their representations (Annexure A-4, collectively) they have been deprived of benefits of 7<sup>th</sup> Pay Commission. Hence, this O.A..

3. The respondents have resisted the O.A. on the following grounds-

(1) By notification dated 30.01.2019 (Annexure R-1) whereunder Maharashtra Civil Services (Revised Pay) Rules, 2019 have been framed, recommendations of 7<sup>th</sup> Pay Commission have been made inapplicable to daily wagers.

(2) The applicants are not permanent employees/Government servants. Hence, this Tribunal has no jurisdiction to entertain the O.A..

(3) Policy decision was taken by the Government to extend benefits of 5<sup>th</sup> and 6<sup>th</sup> Pay Commissions to daily wagers. Now Government has taken a decision not to extend benefits of 7<sup>th</sup> Pay Commission to daily wagers.

(4) By G.R. dated 02.09.2021 (Annexure R-2) remedy is provided to daily wagers working in the respondent department to approach their Regional Office for redressal of their grievances. Against the order of Regional Authority appeal is provided to Appellate Authority. Consequently, bar of Section 20 of the Administrative Tribunals Act, 1985 shall be attracted.

(5) Recommendations of 7<sup>th</sup> Pay Commission have been made applicable w.e.f. 01.01.2016. Thus, instant O.A. is barred by limitation.

4. Section 15 of the Administrative Tribunals Act, 1985 deals with jurisdiction, powers and authority of State Administrative Tribunals and it lays down that the jurisdiction of State Administrative Tribunal is



confined to service related grievances of only those persons who are in the Civil Service of the State or who hold civil post under the State. The applicants, being daily wagers, do not answer to this description. Thus, the O.A. is not maintainable. Accordingly it is dismissed with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 25/07/2023  
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 : 25/07/2023.  
and pronounced on