

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO. 528/2023(S.B.)**

Smt.Geeta Wd/o Maroti Meshram,  
Aged 58 years, Occu.NIL,  
R/o Vihirgaon, Ward No.16,  
(Mul), At Post Mul, Tq. Mul,  
Dist. Chandrapur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Employee Guarantee Scheme,  
Mantralaya, Mumbai-32.
- 2) The Collector, Chandrapur.

**Respondents**

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Shri S.P.Palshikar, Ld. Counsel for the applicant.  
Shri A.M.Ghogre, Ld. P.O. for the respondents.

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

**Dated: - 21<sup>st</sup> June 2023.**

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**JUDGMENT**

**Judgment is reserved on 09<sup>th</sup> June, 2023.**

**Judgment is pronounced on 21<sup>st</sup> June, 2023.**

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

2. Husband of the applicant entered service as Muster Assistant in the year 1982. He was given technical breaks. Since 1995 he was in continuous service till his death on 04.10.2013. In these facts the applicant prays –

- i) That this Hon'ble Tribunal be pleased to regularize the services of the deceased husband of applicant as a Muster Assistant;***
- ii) Further be pleased to hold and declare that the applicant is entitled to get all the retiral benefits w.e.f. 31/03/1997 with a further direction to release the same within a period of 60 days from the date of disposing of the Original Application;***

3. In support of aforesaid prayers the applicant has relied on G.Rs. dated 01.12.1995 (Annexure A-2) and 21.04.1999 (Annexure A-3). Further reliance is placed on Judgment dated 21.03.2023 (Annexure A-5) of the Hon'ble Bombay High Court in W.P.No.5748/2019 wherein 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.***

The above referred Judgment of the Hon'ble Supreme Court is at Annexure A-6.

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

It is held that husband of the applicant became entitled to receive pensionary benefits by considering his entry in service from 31.03.1997.

Benefits accruing by virtue of this determination shall be paid to the applicant within three months from today. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 21/06/2023  
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 : 21/06/2023.  
and pronounced on