

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 734/2020(S.B.)

1. Dinesh s/o Rameshpuri Gosavi,
Aged about – 41 years,
Occu.- Employee of Govt. Milk Scheme,
R/o Government Milk Scheme Quarters,
Congress Nagar, Amravati -444606.

Applicant.

Versus

1. The Secretary, Department of Agricultural,
Animal Husbandry,
Dairy Development and Fisheries,
5th Floor, Mantralaya, Mumbai –32.
2. Dairy Development Commissioner,
Administrative Building,
Khan Abdul Gaffar khan Marg,
Worli Sea Face, Mumbai – 18.
3. Regional Dairy Development Officer,
Amravati Region, Congress Nagar,
Amravati -444601.

Respondents

Shri S.M.Khan, Ld. counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

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

Dated: - 7th December 2022.

With

ORIGINAL APPLICATION NO. 735/2020(S.B.)

1. Pawan s/o Dattatrey Juwar,
Aged about – 48 years,
Occu.- Employee of Govt. Milk Scheme,
R/o Government Milk Scheme Quarters,
Congress Nagar, Amravati -444606.

Applicant.

Versus

1. The Secretary, Department of Agricultural,
Animal Husbandry,
Dairy Development and Fisheries,
5th Floor, Mantralaya, Mumbai –32.
2. Dairy Development Commissioner,
Administrative Building,
Khan Abdul Gaffar khan Marg,
Worli Sea Face, Mumbai – 18.
3. Regional Dairy Development Officer,
Amravati Region, Congress Nagar,
Amravati -444601.

Respondents

Shri S.M.Khan, Ld. counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

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

Dated: - 7th December 2022.

JUDGMENT

Heard Shri S.M.Khan, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents.

2. The cases of the applicants in short are as under-

Both applicants were working on the post of Electrician. After 5th Pay Commission, the promotional post was Charge-man (Electrical). The applicants were given time bound promotion as per order dated 30.06.2015 and the pay scale was granted to the applicants of Rs.9,300 – 34,800. The respondent no.3 Regional Dairy Development Officer, Amravati issued impugned order dated 29.06.2015 stating that the time bound promotion of the post of Charge-man (Electrical) was wrongly given to the applicants and therefore recovery order was passed.

3. It is submitted that after the 5th Pay Commission, the promotional post from the post of Electrician was Charge-man (Electrical) in the pay scale of Rs.9,300- 34,800. Therefore, the order dated 29.06.2015 showing the pay scale of Rs.5200-20200 + 2400 is not legal and proper. Hence prayed to quash and set aside the impugned order.

4. The respondents have strongly opposed the O.As. on the ground that the applicants were wrongly granted promotional pay on the post of Charge-man (Electrical) and therefore recovery is to be made from the applicant.
5. Heard Advocate Shri S.M.Khan, learned counsel for the applicants. He has pointed out the judgment of this Tribunal in O.A.No.707/2020 with connected O.A.No.737/2020 decided on 28.07.2022. Employees namely Vijay Panditrao Chaudhary and Gokul Singh Jadhav approached to this Tribunal in that O.As. This Tribunal has held that the promotional post of Electrician was Charge-man (Electrical) and therefore time bound promotion of the next higher post was rightly granted in the pay scale of Rs.5500-9000.
6. Learned Advocate has submitted that the pay scale of Rs.5500-9000 was as per the 5th Pay Commission and now as per the 6th Pay Commission, pay scale is Rs.9000-34800. Hence, the impugned recovery order is liable to be quashed and set aside.
7. The learned P.O. has strongly objected the O.A.. He has submitted that the applicants were wrongly granted promotional pay therefore recovery order is legal and proper.

8. In the recovery order dated 2.7.2020 the names of the applicants Gokul Singh Jadhav, Vijay Chaudhary along with the names of Shri Juwar and Gosavi are shown. Vijay Chaudhary and Gokul Singh Jadhav both have approached to this Tribunal and this Tribunal allowed the O.A.Nos.734 & 735/2020. Communications dated 02.07.2020 and 23.07.2020 are quashed and set aside. Both the applicants namely Shri Juwar and Gosavi are on the same position. Hence, the following order.

ORDER

- 1) Both the O.As. are allowed.
- 2) The impugned communications dated 02.07.2020 and 23.07.2020 issued by respondents in respect of applicants, are hereby quashed and set aside.
- 3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 07/12/2022

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 Vice Chairman.
Judgment signed on : 07/12/2022.
Uploaded on : 19/12/2022.