

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 780 OF 2015

WITH

ORIGINAL APPLICATION NO. 782 OF 2015

DISTRICT

ORIGINAL APPLICATION NO. 780 OF 2015

1. Chandramuni S/o Tukaram Kamble)
2. Khandu Honaji Vane)
3. Maroti Gopalrao Solunke)
4. Shrirang Piraji Boinwad)
5. Bhanudas Pralhad Borse)
6. Arvind Nagorao Bhale)
7. Suresh Tatyasaheb Pande)
8. Subhas Patangrao Pole)
9. Baban Ramrao Kamble)
10. Nagnath Narayan Nawade)
11. Vishnu Maroti Jirvankar)
12. Sayyed Juber Ahmed Sayyed Ahmed)
13. Bhagwan Bhujangrao Abhange)
14. Sardar Tahelsingh Fattesigh)
15. Dayasagar Digambarrao Kulkarni)
16. Shivraj Virappa Enlave)
17. Ananda Narsimalu Rajulwar)
18. Sidharth Sitaram Ingale)
19. Shridhar Janardhan Sambare)
20. Arun Prabhakarrao Ambekar)
21. Arjun Narsingrao Shinde)
22. Prakash Nivruti Jamdade)
23. Shankar Khanduji Khilare)
24. Shaikh Noor Shaikh Daulat)

25. Datta Bhujang Shide)
26. Mukinda Bevanaji Wadhve)
27. Bhagwan Marotirao Bhoyar)
28. Gajanan Pralhad Joshi)
29. Shamrao Rajaram Kevate)
30. Shaligram Vithal Sontakke)
31. Rajratna Bhagaji Dhole)
32. Suryaprakash Babarao Bhagat)
33. Madhukar Narayan Chavan)
34. Nandkumar Gajanan Pathak)
35. Shaikh Shammi Shaikh Miyan)
36. Sadashiv Yadavrao Paikrao)
37. Maroti Sambhaji Paikrao)
38. Gangadhar Mahadeo Isapure)
39. Sudhakar Fakirrao Maske)
40. Vasant Kishan Kamble)
41. Kishan Tukaram Jadhav)
42. Goraba Honaji Ghadge)
43. Sayaed Iqubal Sayed Abdul Ali)
44. Narayan Waman Dhage)
45. Ashok Sopanrao Ughade)
46. Y.S. Swami)
47. Maroti Vithal Shinde)
48. Shaikh Khaja Shaikh Lal)
49. Changu Kondba Jamkar)
50. Devids Satwa Kamble)
51. Ramrao Kishanrao Kamble)
52. Shaikh Mujmil Shaikh Mustafa)
53. Uttam Kishan Paikrao)
54. Shankar Nagorao Medewad)
55. Abasaheb Deorao Bhosale)
56. Dilip Pralhad Aage)
57. Sharad Shridhar Chakkarwar)
58. Deepak Madhusudan Wakade)
59. Haridas Murlidharrao Kokadwar)
60. Bapurao Rukhamarao Deshmukh)
61. Deorao Gangaram Machapure)

62. Bhagwat Hulaji Gaikwad)
63. Madhukar Rambhau Janolkar)
64. Madhukar Ramji Lone)
65. Pundalik Ramji Lone)
66. Shankar Jaysing Navgire)
67. Namdeo Dashrath Janolkar)
68. Prakash Sambhaji Kale)
69. Sambhaji Lohabande)
70. Nagnath Madhavrao Shinde)
71. Chand Abbas Shaikh)
72. Dagadu Baburao Koli)
73. Arvind Shriram Gadewar)
74. C.P. Shinde)
- 74(A). H.T. Pathan)
75. Sanjay Bapurao Kulkarni)
76. Bhaskar Kisanrao Kulkarni)
77. Digambar Govindrao Sonkamble)
78. Nandkisor Awadut Suryawanshi)
79. Narayan Bapurao Jawale)
80. Munwarkha Khajamiya Pathan)
81. Pundlik Tukaram Shinde)
82. Vaijnath Narayanrao Nawade)
83. Arun Manikrao Bimbekar)
84. Vyankat Shankarrao Deshmukh)
85. Mahemudkhan Sattarkhan Pathan)
86. Ashok Malharrao Kulkarni)
87. Bhimrao Ramrao Suryawanshi)
88. Bhagorao Devrao Chavan)
89. Kishan S/o. Dauji Waghmare)
90. Govind S/o. Pandurang Gaikwad)
91. Kishor S/o. Laxmanrao Darbastwar)
92. Hanmant S/o. Laxmanrao Mangale)
93. Waghmbar S/o. Bhimrao Biradar)
94. M. Noor M. Hanif)
95. Ansarkhan Faizal Khan Pathan)
96. Venkat S/o. Piraji Tate)
97. Pandurang S/o. Shivram Warkad)

98. Baswaraj S/o. Shivling Swami)
99. Pralhad S/o. Narsimalu Rajulwar)
100. Jaywant S/o. Damagi Pawar)
101. Ganesh S/o. Govindrao Sitawar)
102. Uttam S/o. Maruti Nawale)
103. Vaijnath S/o. Kishanrao Pawale)
104. Venkat S/o. Nagorao Shinde)
105. Unwarkhan Khajamiya Pathan)
106. Sambhaji S/o. Ramji Tarapure)
107. M. Ibadurrahman Ismail Malang)
108. Shmsherkhan Khajamiya Pathan)
109. Punjaji S/o. Kisan Kamble)
110. Suresh S/o. Gopalrao Surwadikar)
111. M. Haroon M. Yousuf)
112. Najuk S/o. Shankarrao Deshmukh)
113. Devidas S/o. Uttamrao Kulkarni)
114. Pandurang S/o. Manika Pandit)
115. Uttam S/o. Namdev Narwade)
116. Datta S/o. Mangaji Gaikwad)
117. Dashrath S/o. Maruti Karale)
118. Gangaram S/o. Chhampati Bagate)
119. Babu Ibrhim Muzawar)
120. Anand S/o. Parbatrao Deshmukh)
121. Pandhari S/o. Maruti Dhulekar)
122. Tulsiramlu S/o. Muttaya Raine)
123. Vasant S/o. Tukaram Rathod)
124. Subhash S/o. Nivrethyrao Achme)
125. Balaji S/o. Ambadas Patle)
126. Kashinath S/o. Shivanad Nagthane)
127. Vilas S/o. Digambar Aradhya)
128. Gangadhar S/o. Balaji Fehgade)
129. Siddharth S/o. Dhondiba Kamble)
130. Nagorao S/o. Babarao Telange)
131. Pradip S/o. Mohanrao Dahwale)
132. Chandrakant S/o. Ganpati Jadhav)
133. Laxman S/o. Govindrao Takale)
134. Nivrethy S/o. Shankar Patil)

135. Ashok S/o. Balkarshna Swami (Badke))
136. Pandhari S/o. Shripatrao Warangney)
137. Rajaram S/o. Narayan Ghadge)
138. Panjab S/o. Dattrao Bhosale)
139. Trymbak S/o. Pandharinath Shalke)
140. Vitthal S/o. Shripati Warngark)
141. Abdul Aaji Abdul Kadar)
142. Baliram S/o. Gangaram Kadam)
143. Datta S/o. Babarao Jadhav)
144. Bhagawan S/o. Dattarao Jadhav)
145. Rajiv S/o. Tukarampant Deshpande)
146. Zawra Daga Patil)
147. Bhimrao S/o. Jalbarao Madhakar)
148. Shivaji S/o. Bhimrao Deshmukh)
149. Sy. Abedali S. Hrasatali)
150. Govind S/o. Kishan Dhgale)
151. Shankar S/o. Begagi Kasbe)
152. Shesharao Khandu Anwane)
153. Balaji S/o. Sopan Wadwale)
154. Gunaji S/o. Pandogi Paikrao)
155. Ramesh S/o. Vasantrao Joshi)
156. Sahebrao Ganpatrao Pawar)
157. Pralad Shivram Jamdade)
158. Vilas Ramchandra Jadhav)
159. Thameshwar Chandrabhan Nimbulkar)
160. Md. Sardar Abdul Kadar)
161. Data Sayna Kothapalle)
162. Aman Khan Turab Khan Pathan)
163. Vishwanath Munjaji Busare)
164. Rajaram Narayan Ghadge)
165. Chandrakant Dhondiba Bolegave)
166. Ashok Pandurang Adane)
167. Shankar Maroti Shelar)
168. Devidas S/o. Uttamrao Kulkarni)
169. Nandakumar S/o. Sheshrao Kate)
170. Vitthalrao S/o. Yogaji Wagmare)
171. Kondba S/o. Kishan Shelke)

172. Deelip S/o. Sheshrao Joshi)
 173. Ramesh S/o. Gunwantarao Mahajan)
 174. Sanjay S/o. Vasantryao Bharlero)
 175. Nihal Ahamd Mismail Mlang)
 176. Bhim S/o. Sheshrao Joshi)...**Applicants**
 C/o. Shri S.D. Dhongde, the learned Advocate for the
 Applicants.

VERSUS

1. The State of Maharashtra,)
 Through Secretary,)
 Irrigation Department, Mantralaya,)
 Mumbai 32.)
 (Copy to be served on the C.P.O.,)
 MAT. Aurangabad))
2. The Secretary,)
 Finance Department, Mantralaya,)
 Mumbai -32.)
3. The Superintending Engineer,)
 Nanded Irrigation Division,)
 Nanded.)
4. The Executive Engineer,)
 Upper Penganga Project Division,)
 Nanded.)
5. The Executive Engineer,)
 Mechanical Division,)
 Upper Penganga Project)
 Nanded.)....**Respondents**

WITH

ORIGINAL APPLICATION NO. 782 OF 2015

1. Nandkumar Vasudev Sudame)
 2. Sau Snehal Sadanand Mhalgi)
 3. Sunil Sukhdev Zambre)
 4. Arun Bhausahab Shinde)
 5. Sau Shubhangi Arun Dingorkar)

6. Sau Ratnamala Ramesh Hirve)
7. Dattatray Shivaji Salunkhe)
8. Pirmohammad Gulambhai Tamboli)
9. Namev Shantaram Mestri)
10. Vivek Pandit Takalkar)
11. Anil Madhukar Kulkarni)
12. Vilas Suryakant Kulkarni)
13. Sau Smita Sanjay Kulkarni)
14. Mallikarjun Virbhadraraya Chratimath)
15. Sunil Pandurang Bandegiri)
16. Vilas Vitthal Nangude)
17. Bhagwan Anant Phadnis)
18. Toni Bristo Sabstin)
19. Sampat Lakshman Chitare)
20. Chandrakant Shankarlal Sharma)
21. Mohandas Dattatray Pandhre)
22. Ishwar Kondaji Pawar)
23. Prakash Ramchandra Dhumal)
24. Mohan Namdev Mali)
25. Raja Madhukar Parkhi)
26. Mahadev Namdev Velapure)
27. Smt. Shashikala Pandurang Kale(Dikole)
28. Vasant Bhimrao Kulkarni)
29. Lanku Bhaurao Gurav)
30. Balaji Gopalrao Biradar)
31. Hanumant Vitthalrao Londhe)
32. Fakir Mohammad Pathan)
33. Uttam Lakshman Bhilare)
34. Pramod Shamrao Padale)
35. Dilip Parsuram Tilekar)
36. Sau Smita Suresh Patil)
37. Vilas Vishwanath Joshi)
38. Pradip Jagannath Honrao)
39. Balu Kondiba Bodhe)
40. Keval Bhikaji Ushire)
41. Arvind Kisan Shinde)
42. Tatyasaheb Ramchandra Dandavade)

43. Girish Sidhalingayya Hiremath)
44. Prakash Shamrao Padale)
45. Smt. Jaymala Shamrao Padale)
46. Mukund Shankar Thete)
47. Mukund Maruti Surgude)
48. S.R. Bhokare)
49. E.A. Vaddikar)
50. S.P. Savant)
51. L.B. Kasabale)
52. Sau B.M. Savant)
53. S.K. Bhivad)
54. A.J. Mane)
55. D.R. Padaval)
56. A.A. Desai)
57. V.H. Bapat)
58. M.Y. Kulthe)
59. N.M. Mahadik)
60. U.R. Babar)
61. B.C. Rajgiri)
62. N.S. Nagur)
63. D.P. Otavkar)
64. K.M. Chavan)
65. V.D. Pujari)
66. Sau V.M. Suryawanshi)
67. R.M. Jainapure)
68. K.R. Landge)
69. B.R. Patil)
70. M.B. Suryawanshi)
71. A.B. Jadhav)
72. V.M. Shirodkar)
73. G.D. Mane)
74. B.N. Kawade)
75. B.S. Bavdekar)
76. B.R. Chavan)
77. B.B. Kumbhar)
78. A.R. Shirale)
79. C.Y. Sandigwad)

80. S.B. Narvekar)
81. B.A. Temburle)
82. P.M. Kumbhar)
83. R.T. Kamat)
84. T.D. Erudkar)
85. L.V. Patil)
86. A.V. Kulkarni)
87. R.B. Patil)
88. J.T. Patil)
89. M.B. Pawar)
90. S.K. Kumbhar)
91. D.A. Bhosle)
92. S.G. Sutar)
93. A.G. Agnihotri)
94. M.N. Hagalambe)
95. A.H. Bhivase)
96. S.G. Deshpande)
97. D.D. Sankpal)
98. Sau R.R. Kadgaonkar)
99. D.T. Rakte)
100. V.G. Herlagi)
101. M.N. Sajjan)
102. S.S. Londhe)
103. D.M. Kalantre)
104. D.V. Mahadik)
105. R.V. Joshi)
106. C.N. Jadhav)
107. D.K. Patil)
108. N.L. Mandhre)
109. M.K. Jadhav)
110. D.A. Powar)
111. M.R. Gaikwad)
112. B.B. Patil)
113. M.B. Dhumal)
114. P.J. Bujre)
115. D.P. Chandane)
116. B.A. Patil)

117. S.K. Patil)
118. A.Y. Nangre)
119. S.R. Pednekar)
120. K.B. Kulkarni)
121. D.M. Gole)
122. S.D. Sarale)
123. Rekha B. Pawar)
124. R.N. Waghmale)
125. Sadhana J. Thorat)
126. Ananda S. Korde)
127. B.C. Sawant)
128. D.D. Kolekar)
129. B.S. Kamble)
130. Vinay Vasudev Deshpande)
131. Shrihari Narayan Patil)
132. Pralhad Shrirang Patil)
133. Shrinivas Ramchandra Mandavagane)
134. Ulhas Vinayak Pendse)
135. Ananda Raghunath Mane)
136. Prakash Bajrang Shinde)
137. Mukund Dattatray Urane)
138. Adhikrao Bajrang Shinde)
139. Ramdas Maruti Shitole)
140. Sureshchandra Dinkarrao Salunkhe)
141. Smt. Surekha Shivaji Gaikwad)
142. B.S. Bhopate)
143. Dinkar Shankar Shinde)
144. Ramchandra Pandurang Khot)
145. Kisan Tatyaba Jadhav)
146. Ramchandra Dnyandev Pawar)
147. Dattatraya Anna Chougule)
148. Vilas Kashinath Kulkarni)
149. Ashok Ramchandra Shelar)
150. Prakash Sidhu Jankar)
151. Rangrao Balavant Patil)
152. Namdev Sarjerao Kshirsagar)
153. Sadashiv Maruti Sasane)

154. Gajanan Maruti Charankar)
 155. Murlidhar Narayan Khole)
 156. Vilas Dadasaheb Gholap)
 157. Sau. Swapna Mohan Walekar)
 158. Kishor Narayan Khuprekar)
 159. Vilas Baburao Patil)
 160. Tukaram Sakharam Kudale)
 161. Maksud Musa Shaikh)
 162. Prakash Yashwant Gurav)
 163. Sudhakar Shahu Savant)
 164. Shankar Baburao Suryawanshi)
 165. Vithal Suryabhan Balki)
 166. Vasant Mahadevrao Thavari)
 167. Kavikar Maniram Niranjane)
 168. Budhadev Mukund Biswas)
 169. Manohar Krushnaji Wandhare)
 170. Mahadev Ramu Patil)
 171. Vijay Ishwara Bhosle)
 172. Narayan Tukaram Chavan)
 173. Prakash Shankar Poatdar)
 174. Balkrushna Ganagaram Sable)
 175. A.S. Patil)
 176. C.V. Sangar)
 177. Netaji Yashwant Patil)
 178. Ramchandra Shrirang Patil)
 179. Habib Dost Mohammad Shaikh)
 180. Nandkumar Rajaram Bhalerao)
 181. Shrikrusna Vithoba Chowdary)
 182. Madhukar Vithoba Yewale)
 183. Dyaneshwar Mahadevrao Dhumale)
 184. Bhaskar Shriram Lomate)
 185. Dadarao Vitthalrao Shande)
 186. Parsharam Prabhugi pawar)
 187. Hanumant Nanarao Tayade)
 188. Mohan Thakursing Rathod)...Applicants
 C/o. Shri S.D. Dhongde, the learned Advocae for the
 Applicants.

VERSUS

1. The State of Maharashtra)
 Through: Secretary,)
 General Administration Department)
 Mantralaya, Mumbai 32.)
 (Copy to be served on the C.P.O.,)
 MAT, Mumbai)
2. The Secretary,)
 Finance Department,)
 Govt. of Maharashtra,)
 Mantralaya, Mumbai 32.)
3. The Secretary,)
 Irrigation Department(Water Resources))
 Govt. of Maharashtra,)
 Mantralaya, Mumbai 32.)....**Respondents**

Shri S.D. Dhongade, the learned Advocate for the Applicants.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri R.B. Malik, Member (J)

DATE : 24.01.2017

PER : Shri Rajiv Agarwal, Vice-Chairman

ORDER

1. Heard Shri S.D. Dhongade, the learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. These Original Applications were heard together and are being disposed of by a common order as the issues to be decided are more or less identical.

3. Learned Counsel for the Applicants in O.A.No.780 of 2015 argued that the Applicants were initially appointed on daily wages by the Respondent Nos.3,4 &5 and later they were brought on the Converted Regular Temporary Establishment (C.R.T.E.) in terms of Kalelkar Award. On being brought on CRTE, the Applicants were given regular pay scale with appropriate designations and their pay were fixed in regular pay scales. They were given Time Bound Promotion also after working for 12 years continuously in the C.R.T.E. The Applicants were also given second benefit of Assured Career Progression Scheme in terms of G.R. dated 1.10.2010. Learned Counsel for the Applicants argued that though the Applicants' pay in sixth pay commission were in the same Pay Band as the regularly appointed counterparts, they were give less grade pay. The Applicant No.1 was appointed as Wireman in C.R.T.E. and his pay was fixed in Pay Band of Rs.5200-20,200 with grade pay of Rs.2850 while the Wiremen appointed on regular basis were given grade pay of Rs.4200/-. Learned Counsel for the Applicants argued that Applicants are doing the same work as their counterparts appointed on regular basis and this disparity in wages is discriminatory and therefore unconstitutional.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the Applicants were brought on

Converted Temporary Regular Establishment (CRTE) after working for 5 years on daily wages as per Kalelkar Award. The CRTE is quite distich from regular establishment. Persons working on CRTE are not eligible for promotion, as the posts occupied by them are supernumerary posts. Such employees working on CRTE are granted grade pay as per Rule 14(D) of Maharashtra Civil Service (Revised Pay) Rules 2009. While granting Time Bound Promotion/ benefit under Assured Career Progression Scheme, the posts occupied by them are treated as isolated posts. Learned P.O. relied on the judgment of Hon'ble Supreme Court in the case of **Union of India Vs. Arun Jyoti Kundu & Others: 2007 AIR SCCW 6227**. It was held by Hon'ble S.C. that the work of fixation of pay and equivalence of posts has to be left to the executive and expert body like Pay Commission or Pay Anomaly Committees. The posts occupied by the Applicants are supernumerary. They were not recruited following the Recruitment Rules and they were brought on CRTE by way of an award under the Industrial Disputes Act. They cannot claim parity with regularly appointed employees in Water Resources Department. After their retirement, the posts occupied by them will lapse. Considering all these facts, the Applicants are not eligible to be treated like employee working on regular establishment.

5. Learned P.O. argued that Clerk or clerk-Typist in the Department are appointed by applying recruitment rules viz. the Recruitment to the post of Clerk, Clerk-Typist and Typists in the office of Government of Maharashtra Outside

Grater Bombay (Recruitment) Rules, 1986 by nomination or promotion. Post of Karkoon or Road Karkoon is filled by appointment on work charged establishment for a specific project and the post expires after completion of that project. Persons appointed as Karkoon or Road Karkoon are not recruited by following the recruitment rules for regular posts of Clerks on sanctioned posts. Under Kalelkar Award, after working for 5 years on Work Charged or Daily Wage Establishment, employees are taken on CRTE on Supernumerary posts. The mode of recruitment, nature of duties and responsibilities of the post of Karkoon and that of Junior Clerks are not comparable. As such, the rule of equal wages for equal work is not violated by giving different pay scales to persons working on CRTE and those working on regular establishment.

6. On going through the material on records, it is clear that the Applicants are working on various posts like Karkoon, Pump Operator, Wireless Operator, Driver etc. on CRTE. They are claiming parity with the regular employees of the Department. The Department has given illustration as to how the post of Karkoon is not equivalent to the post of Clerk or Clerk-cum-Typist. The post of Clerk is a sanctioned post and the appointments are made as per Recruitment Rules. The post of Karkoon is not a sanctioned post. In fact, it is a supernumerary post, which will lapse after the present incumbent retires. The nature of duties and responsibilities are also quite different. Considering all these facts, the contention of the Applicants working as Karkoon that they

are equivalent in all respect to employees working on regular establishment as Junior Clerks cannot be accepted. The same holds true for other categories. Unless the mode of recruitment, nature of post (sanctioned or supernumerary) and nature of duties and responsibilities in two posts are proved to be identical, it cannot be said that the principle of equal pay for equal work is violated.

7. In any case, the Applicants should have raised this issue before the Pay Equivalence or Pay Anomaly Committees, who could have considered whether their claim was justified. This Tribunal cannot decide equivalence of different posts. Hon'ble S.C. has held in many cases that pay fixation, equivalence of posts etc. is best left to the expert bodies like the Pay Commission or Committees like Pay Equivalence or Pay Anomaly Committees. There is no averment in this O.A. that the Applicants have raised their grievance before any of these committees.

8. In our opinion, this is not a fit case requiring interference by us. The facts in O.A.No.782 of 2015 are more or less identical. As the Applicants have no avenues for promotion, they have been treated as occupying isolated posts and have been given Time Bound Promotion/ benefit of Assured Career Progression Scheme on that basis. We find nothing wrong with that.

9. Learned Counsel for the Applicant has cited the following judgments:-

(i) ***State of Tripura & Others Vs.K.K. Roy: AIR 2004***

This judgment of Hon'ble Supreme Court is regarding Law Officer –cum- Draftsman in Govt. of Tripura. There was a single post and there were no promotional avenue. It was held that the incumbent was entitled to grant of two higher grades, one upon expiry of the period of 12 years from the date of joining service and the other upon expiry of 24 years thereof. In the present case the Applicants are getting financial upgradation after expiry of 12 & 24 years. Their demand for parity with other employees is not covered by this judgment.

(ii) **Judgment of Hon'ble Bombay High Court, Nagpur Bench dated 4.5.2016 in W.P.No.303 of 2016.**

Hon'ble High court has cited various judgments of Hon'ble Supreme Court that promotional avenues should be provided. The Applicants are covered by Assured Career Progression Scheme which provides for financial upgradation after 12 & 24 years. There are many employees of State Govt. occupying isolated posts, who are treated like the present Applicants.

(iii) **Judgment of Hon'ble Bombay High Court dated 16.7.2015 in W.P. No.5213 of 2012**

Hon'ble High Court has culled out five conditions, which are required to be fulfilled for the employees to be treated as

doing the same work and accordingly become eligible for same pay, viz.

- (i) Same work
- (ii) Same employer
- (iii) Similar responsibility
- (iv) Similar Working Conditions
- (v) Employer is 'State' within the meaning of Article 12.

It is further held that reasonable classification must be founded on intelligible differentia which distinguishes one group from others and it should have a rational relation with the object to be achieved. We have already concluded that the persons working on CRTE are a distinct group, separate from the regular employees, based on the nature of duties and responsibilities, mode of recruitment, nature of post (regular Vs. Supernumerary) etc. The classification is clearly founded on ineligible differentia and the object to be achieved in creating CRTE was to protect the services of employees working on work charged establishment, even after project was over. The posts were Supernumerary and would lapse after retirement of current incumbents which shows that posts are primarily created to accommodate the persons who were recruited on Work Charged / Daily Wage establishments. This is a rational criterion with a view to achieve the above mentioned object. We do not find that the Applicant are eligible to be treated at par with employees on regular establishment.

10. Having regard to the aforesaid facts and circumstances of the case, these O.A.s are dismissed with no order as to costs.

(R.B. MALIK)
MEMBER (J)

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 24.01.2017

Place : Mumbai

Dictation taken by : SBA

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