

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 91/2021 (S.B.)**

Kewalram S/o Magduji Ramteke,  
Aged 68 years, Occupation : Retired,  
R/o Indira Nagar, Bombay Plot,  
Mul Road, Chandrapur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
E.G.S. Department,  
Mantralaya, Mumbai – 400 032.
- 2) State of Maharashtra,  
Through its Secretary,  
Home Affairs, Mantralaya,  
Mumbai – 400 032.
- 3) The Commissioner,  
Nagpur Division Nagpur,  
Civil Lines, Nagpur.
- 4) The Collector, Chandrapur,  
Civil Lines Chandrapur,  
District :Chandrapur.

**Respondents**

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Shri N.Y.Lade, 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: - 24<sup>th</sup> March 2023.**

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**JUDGMENT**

**Judgment is reserved on 20<sup>th</sup> March, 2023.**

**Judgment is pronounced on 24<sup>th</sup> March, 2023.**

Heard Shri N.Y.Lade, learned counsel for the applicant and Shri A.M.Ghogre, learned P.O. for the respondents.

2. The applicant was appointed as Mustering Assistant on 13.11.1987. He worked for Sub-Divisional Officer, E.G.S.P.W., Sub-Division Nagbhid, District Chandrapur till 13.06.2003. By order dated 30.06.2003 he was absorbed in Government service. He worked on the establishment of Police Commissioner, Chandrapur. He retired on superannuation on 30.11.2009. He was holding the post of Junior Clerk at the time of his retirement. By relying on G.Rs. dated 22.02.1993 and 21.04.1999 [Annexures A-3 & A-5, respectively] as well as judgment of the Hon'ble Supreme Court dated 07.09.2022 in the case of **Shaikh Miya s/o Shaikh Chand etc. Vs. State of Maharashtra** he prays for grant of pensionary benefits.

2. Though respondents 1 and 3 have resisted the O.A. on various grounds, the issue involved is no longer res-integra. **In Shaikh Miya Son of Shaikh Chand etc.Vs. State of Maharashtra Hon'ble Supreme Court** has held, by Judgment dated 17.09.2022, that Mustering Assistant like

the applicant shall be notionally treated to have been absorbed/regularised in Government service w.e.f. 31.03.1997, and will be entitled to benefits accruing as a consequence thereof. Hence, the order.

**ORDER**

The applicant is held entitled to benefits flowing from determination of date of his absorption / regularisation as 31.03.1997.

The same shall be paid to him within two months from today.

O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 24/03/2023  
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 : 24/03/2023.  
and pronounced on