

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 331 of 2019 (SB)**

Rajan Motiram Borkar,  
Aged about 58 years,  
R/o Pindekepar, Tahsil Sakoli, Dist. Bhandara.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Department of Planning,  
Mantralaya, Mumbai-32.
- 2) The Collector, Bhandara.
- 3) Block Development Officer, Panchayat Samiti,  
Sakoli, Dist. Bhandara.

**Respondents.**

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**S/Shri N.R. & Mrs. K.N. Saboo , Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 867 of 2019 (SB)**

Anandrao Naktuji Kirme,  
Aged about 55 years, R/o Shau Nagar,  
Ward No.21, Potegaon, Bypass Road,  
Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Department of Planning,  
Mantralaya, Mumbai-32.
- 2) The Collector, Gadchiroli.

**Respondents.**

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**S/Shri N.R. & Mrs. K.N. Saboo , Advocates for the applicant.  
Shri A.M. Ghogre, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 911 of 2019 (SB)**

Balkrushna Sitaram Kottawar,  
Aged 56 years, R/o Chamorshi,  
Dist. Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Department of Planning,  
Mantralaya, Mumbai-32.
- 2) The Collector, Gadchiroli

**Respondents.**

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**S/Shri N.R. & Mrs. K.N. Saboo , Advocates for the applicant.  
Shri A.M. Ghogre, P.O. for respondents.**

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**WITH**

**ORIGINAL APPLICATION No. 910 of 2019 (SB)**

Bhagwan S/o Lasmayya Pilli,  
Aged about 54 years, R/o Sironcha,  
Dist. Gadchiroli.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Department of Planning,  
Mantralaya, Mumbai-32.
- 2) The Collector, Gadchiroli.

**Respondents.**

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**S/Shri N.R. & Mrs. K.N. Saboo , Advocates for the applicant.  
Shri A.M. Ghogre, P.O. for respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

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**Date of Reserving for Judgment : 17<sup>th</sup> February, 2022.**

**Date of Pronouncement of Judgment : 28<sup>th</sup> February, 2022.**

## **COMMON JUDGMENT**

**(Delivered on this 28<sup>th</sup> day of February, 2022)**

Heard Shri N.R. Saboo, learned counsel for the applicants and Shri S.A. Sainis, Id. P.O. and other Id. P.O. Shri A.M. Ghogre for the respondents.

2. The grievances of the applicants are that they are working as Mustering Assistants with effect from the respective dates as shown in the Chart attached herewith. Their services were discontinued. They were reinstated as per the direction of Labour Court with continuity of service. In spite of the G.Rs. dated 1/12/1995 & 21/4/1999 they are not absorbed in the regular services. Therefore they are approached before this Tribunal.

3. In O.A. 331/2019, the applicant namely Rajan M. Borkar was engaged as Mustering Assistant w.e.f. 15/4/1980 in the office of Sub Division of Zilla Parishad at Sakoli. The service of applicant was terminated, therefore, ULP Complaint No.137/1991 was filed before the Labour Court, Bhandara. The Labour Court, Bhandara allowed the said Complaint vide order dated 21/08/1995 and granted relief of reinstatement with continuity of service. The said order was maintained in the Revision before the Industrial Court. The applicant was in service, but he was not given regularisation as per the G.Rs. dated 1/12/1995 & 21/4/1999. He came to be retired on 31/10/2020.

4. It is submitted by respondents that the applicant was not in continuous service in 1993 and therefore his service is not regularised. The copies of order of Labour Court and Industrial Court are filed on record. The Labour Court allowed the Complaint vide order dated 21/08/1995 and the respondents are directed to reinstate the complainant w.e.f. 21/9/1999 with continuity of service with back wages. The said order was maintained by the Member, Industrial Court, Nagpur on 26/8/2002 therefore it is clear that the applicant was in service in 1993. Back wages are also paid to the applicant.

5. In O.A. 867/2019, the applicant namely A.N. Kirme was engaged as Mustering Assistant from the year 1987. His service was discontinued on 1/3/1991. He approached before the Labour Court. The Labour Court directed to reinstate the applicant with continuity of service. He is not absorbed in regular service on the ground that he was not in service on or before 31/5/1993.

6. In O.A. 911/2019, the applicant namely B.S. Kottawar was engaged as Mustering Assistant from 1985. The applicant was terminated on 1/7/1988. The Complaint was filed before the Labour Court, Chandrapur. On 7/1/1997, the Labour Court allowed the Complaint. In the Revision, the Complaint was dismissed, but the respondents were directed to consider the case of the applicant for benefit of G.R. dated 1/12/1995. The applicant continued in service.

The entry in that regard is taken in his service book. He is continued in service as Mustering Assistant, but he is not given benefit of the G.Rs. dated 1/12/1995 & 21/4/1999. In the reply, it is submitted that the applicant was not in continuous service more particularly in the year 1993, therefore, he is not entitled for benefit of regularisation.

7. In O.A. No. 910/2019, the applicant namely Bhagwan Pilli was appointed as Mustering Assistant in the year 1987. His service was discontinued on 30/4/1994. The Complaint was filed before the Labour Court. By virtue of interim order of Labour Court, he is continued in service. The said Complaint was allowed by the Labour Court on 17/5/2001. The respondent has resisted the claim on the ground that he was not in continuous service since 1993, therefore, he is not entitled for regularisation.

8. In all the O.As., the applicants were appointed as Mustering Assistants. They were given regular pay scale of Rs.750-940 w.e.f. 01/10/1988. They were discontinued from service. They were reinstated as per the order of Labour Court with continuity of service. All the applicants made representations. One of the applicants, namely Rajan M. Borkar retired on 31/10/2020. The particulars of the applicants are given in the Chart as below –

Sr. No	O.A No.	Name of Employee	Entry in service under EGS as Muster Assistant	Regular Pay Scale as on (Rs. 750-940)	Discontinued from service	Reinstatement with continuity of service as per order of Labour Court	Representation for absorption	Date of Retirement
1	331/2019	Ranjan M. Borkar	15.04.80	01.10.88	21.01.91	21.08.95 ULP Complaint No. 137/1992	24.07.17	31.10.20
2	867/2019	Anandrao N. Kirme	06.05.87	01.10.88	01.03.91	Interim Order of Labour Court dated 14/15.09.94 ULP Complaint No. 32/94	03.10.19	In Service 06.02.25
3	911/2019	Balkrushna S. Kottawar	03.11.85	01.10.88	01.07.88	1. 07.01.97 (Order of Labour Court in complaint ULP 470/90)  2. Order of Industrial Court, Chandrapur in Revision No. 12/99, (not challenged)	27.08.19	30.11.22 In service
4	910/2019	Bhagwan Pilli	28.12.87	01.10.88	30.04.94	In view of interim Order of Labour Court granting Status Quo, Termination was not actually effected. Finally on 17.05.01 complaint was allowed.	03.10.17	In Service

9. There is no dispute that the applicants were working as Mustering Assistants from the date as shown in the Chart. They were discontinued in service, but reinstated with continuity of service by the order of Labour Court. This itself shows that they were in continuous of service as Mustering Assistant from the initial date of their appointments. This Tribunal has decided other O.As., in which it is held that Mustering Assistants are entitled for benefit of service from the date of their initial appointments as Mustering Assistants. In those cases their services were regularised.

10. In the present O.As. , the services of applicants are not regularised. They are not absorbed in regular service.

11. Heard Shri N.R. Saboo, Id. counsel for the applicants. He has pointed out the Judgments of this Tribunal in O.A. 636/2015 and in O.A.No. 443/2017 with connected matters.

12. As a onetime settlement for the Mustering Assistants, the State Government has issued G.Rs. dated 1/12/1995 & 21/4/1999. One of the conditions in the said G.Rs. is that, the Mustering Assistant should be in service on 31/5/1993. In all the O.As., the applicants were in service as Mustering Assistant on the given date as per the said G.Rs. Though their services were discontinued, but they were reinstated with continuity of service by the Labour Court. Hence, they are entitled for absorption as like other Mustering Assistants in view of

G.Rs. dated 1/12/1995 & 21/4/1999 . In that view of the matter, I pass the following order –

**ORDER**

- (i) The O.As. are allowed.
- (ii) The applicants are entitled for the benefit of scheme floated by the G.Rs. dated 1/12/1995 & 21/4/1999.
- (iii) The respondents are directed to absorb the applicants in regular service.
- (iv) The respondents are directed to grant all service benefit / pensionary benefits to the applicants from the date of their initial appointments as Mustering Assistant.
- (v) No order as to costs.

**Dated** :- 28/02/2022

dnk.

**(Justice M.G. Giratkar)**  
**Member (J).**



I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 28/02/2022

Uploaded on : 28/02/2022\* \*