

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.190/2010.

Mohini Nilkanth Gaikwad,
Aged about 32 yrs.,
Occ-Service,
R/o C/o A.P. Wasnik, Rekha Colony,
V.M.V. Road, Amravati.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-440 032.
- 2) The Director,
Higher & Technical Education (M.S),
Pune.

Respondents

ORIGINAL APPLICATION NO.191/2010.

Gopalkrishna Haribhau Murekar,
Aged about 29 yrs.,
Occ-Service,
R/o Sambhaji Nagar, College Road,
Akot, Distt. Akola.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-440 032.
- 2) The Director,
Higher & Technical Education (M.S),
Pune.

Respondents

ORIGINAL APPLICATION NO.192/2010.

Dr. Suraj Kiransingh Yeotikar,
Aged about 40 yrs.,
Occ-Service,
R/o Near Atul Mangal Karyalaya,
Behind Dafle Hospital,
Rukmini Nagar, Amravati.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-440 032.
- 2) The Director,
Higher & Technical Education (M.S),
Pune.

Respondents

ORIGINAL APPLICATION NO.193/2010.

Udaykumar Bharatlal Tembhare,
Aged about 35 yrs.,
Occ-Service,
R/o C/o Sharad Mankar (STD PCO),
Shri Ganeshpeth,
Behind V.M.V. Amravati.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-440 032.
- 2) The Director,
Higher & Technical Education (M.S),
Pune.

Respondents

ORIGINAL APPLICATION NO.194/2010.

Vaishali Keshavrao Shelke,
Aged about 33 yrs.,
Occ-Service,
R/o Prabhat Building,
Kanta Nagar, Amravati.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai-440 032.
- 2) The Director,
Higher & Technical Education (M.S),
Pune.

Respondents

Shri R.V.Shiralkar, Ld. Counsel for the applicant.
Shri M.I. Khan, learned P.O. for the respondents.

Coram:- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (Judicial)

Dated:- 29th March 2017.

Order

Heard Shri R.V.Shiralkar, the learned counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

2. In all these O.As, the respective applicants have claimed for directions to respondent Nos. 1 and 2 to pay salary in regular pay scale basis i.e. Rs. 7225-225-11050 alongwith admissible allowances

to the applicants from the date of their initial appointment and to continue them in the same pay scale. They are also claiming directions to the respondents to implement their own resolution, directives and circular dated 1.9.2004, 7.1.2005 and 31.5.2005 in its true spirit and grant them regular pay scale and not to terminate their services.

3. The applicants were duly selected for the post of Lecturer in various colleges and from time to time their appointment were continued. The applicants hold the requisite qualification from the date of their initial appointment and they belong to various reserved categories and were performing their work properly. They were discharging their responsibilities in respect of the post of corresponding regular Lecturer of private colleges as *ad hoc* employees.

4. The Government of Maharashtra introduced a scheme of appointment on contract basis in respect of Lecturers in Government as well as private colleges vide G.R. dated 25.7.2002. Prior to that, the Lecturers were governed by earlier regulations and were getting pay scale of Rs. 8000-275-13500 alongwith admissible allowances. A Selection Committee was also duly constituted through which the applicants were appointed. It is stated that the respondents

have taken undertaking from the applicants under force. Services of the applicants were being terminated at the year ending and the applicants were getting the consolidated pay Rs. 8,000/- p.m. The G.R. dated 25.7.2002 has been made applicable to the Lecturers in Government and private aided colleges. Taking the note of recommendation issued by the Government in G.R. dated 25.7.2002, the applicants were appointed as Lecturers. However, the applicants working in Government colleges are being discriminated. There was no difference in the selection process followed by respondent No.1 in appointing Lecturers either in regular pay scale or *ad hoc* basis or on consolidated basis. But the pay scale was different. A Selection Committee appointed in the year 1993 vide letter dated 6.9.1993 is continued. The applicants were being appointed after intervals. But in fact, they have been continuously working in the post of Lecturer.

5. The ban on appointment was lifted by the Government on 19.3.2007. The applicants, therefore, claim that since the date of their initial appointment and since they were continued in service, their services be regularized. The applicants, though qualified since their initial date of appointment and they belong to reserved categories, they are being discriminated and the discriminatory

treatment to them is arbitrary, unjust and irrational and in contravention of the fundamental rights of the applicants enshrined in Articles 14, 16 and 21 as well as 39 (d) of the Constitution of India and, therefore, the applicants have prayed for regularization of their services as already stated.

6. Respondent No.2 has filed his separate affidavit in reply in each O.A and submitted that the applicants are not entitled to any claim. It is stated that the applicants have filed W.P. Nos. 2659/2009, 1946/2008, 1873/2008 and 1848/2009 before the Hon'ble High Court, Bench at Nagpur and prayed for a regular pay scale etc. It is further stated that the appointment of the applicants is on contract basis temporarily and for a specified period which comes to an end after expiry of contractual period and, therefore, they are not entitled to continuation. Writ Petition filed by the applicants has been disposed of and the representation submitted by them for full pay scale has already been considered by the Government.

7. The learned P.O. has invited my attention to one communication dated 17.10.2016 issued by Joint Director of Higher & Technical Education (M.S), Pune, from which it seems that the applicant Smt. M.N. Gaikwad in O.A. No. 190/2010 has been relieved from her post on 6.3.2011 from Govt. Vidarbha Dnyan Vidnyan

Sanstha, Amravati. In the said letter, it is stated that the applicant Shri G.H. Murekar in O.A. No.191/2010 joined at Rajaram College, Kolhapur on 25.8.2010. But he left that service just within an hour and did not return thereafter. As such, Smt. M.N. Gaikwad as well as Shri G.H. Murekar are no more in service on contract basis. In view of this, case of Smt. M.N. Gaikwad and Shri G.H. Murekar can be disposed of being infructuous and accordingly O.A. Nos. 190/2010 and 191/2010 stand disposed of with no order as to costs.

8. So far as the applicants in O.A.Nos. 192, 193 and 194 of 2010 are concerned, the learned P.O. submits that the Government has passed Resolution dated 23.3.2016, a copy of which is placed on record in O.A.No.190/2010 and it is annexed as %*+ for identification, from which it seems that the Government has taken a decision on 23.3.2016 to regularize the appointments of Lecturers appointed on contract basis on condition that they will not get monetary benefits. A list annexed alongwith that Resolution shows that the services of the applicants in O.A. Nos 192, 193 and 194 of 2010 have been regularised. In other words, the grievances of the applicants in these O.As have been met with. The learned counsel for the applicants frankly admits the fact that since the grievances of the applicants have been met with, O.As can be disposed of accordingly.

9. In view of the observations aforesaid, all the O.As stand disposed of with no order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

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