

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO. 455/2005.**

Manu Mangru Khobragade,  
Aged about 50 years,  
Occ-Muster Assistant,  
R/o C/o Shri Nimsarkar, Dharmapuri Ward,  
Opp. Primary School, Aheri,  
Distt. Gadchiroli.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Rojgar Hami Yojana (EGS),  
Mantralaya, Mumbai-32.
2. The Collector,  
Chandrapur.
3. The Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**

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**ORIGINAL APPLICATION NO.456/2005.**

Shamrao Dharma Jangade,  
Aged about 45 years,  
Occ-Muster Assistant,  
R/o Etapalli,  
Distt. Gadchiroli.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Rojgar Hami Yojana (EGS),  
Mantralaya, Mumbai-32.
2. The Collector,  
Bhandara..
3. The Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**

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**ORIGINAL APPLICATION NO.492/2005.**

- 1) Sayyad Aziz Sayyad Jani,  
Aged about 51 years,  
Occ-Muster Assistant,  
R/o Plot No.18-A, New Bidipeth,  
Near Corporation School, Nagpur.
- 2) Hansraj Laxmanrao Hedau,  
Aged about 43 years,  
Occ-Muster Assistant,  
R/o C/o Sheikh Servar,  
Parseoni, Distt. Nagpur.
- 3) Anilkumar Daduprasad Mishra,  
Aged about 44 years,  
Occ-Muster Assistant,  
R/o C/o Suresh Mundra,  
Readymade stores, Bazar Chowk,  
Nagbhid, Dist. Chandrapur.

**Applicants.****-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Rojgar Hami Yojana (EGS),  
Mantralaya, Mumbai-32.
2. The Collector,  
Nagpur.
3. The Commissioner,  
Nagpur Division, Nagpur.

**Respondents.**


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Shri G.G. Bade, Ld. Advocate for the applicants.  
Shri A.M. Ghogre, Ld. P.O. for the respondents.

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**Coram:- B. Majumdar, Vice-Chairman and  
Justice M.N. Gilani, Member (J).**

**Dated:- 10<sup>th</sup> July, 2014.**

**Order**

**Per: M.N.Gilani, M(J)**

In these O.As, common question of fact and law being involved, they are disposed of by this common order.

2. In order to provide large scale employment to the peasants and labourers, the Government of Maharashtra floated the scheme called as Employment Guarantee Scheme. Those unemployed but literate, were provided

jobs of Muster Assistants. When the schemes were withdrawn, these Muster Assistants became unemployed and started agitating for service in the Government. To ameliorate their condition, the Government of Maharashtra decided to provide them jobs in Group-D in various departments of the Government as well as in the Zilla Parishad. For that, the G.R. dated 1.12.1995 was issued. Pursuant to that, the Muster Assistants were absorbed as Group-D employees in the various departments in stages and as per the availability of the posts. Despite this, the unrest amongst the Muster Assistants continued. It was on the ground that while absorbing them as Group-D employees, their educational qualification was not considered. Therefore, demand was raised to give them jobs in Group-C posts and commensurate with the educational qualification each of them possessed.

3. The Government of Maharashtra then decided to absorb them in Group-C posts, having regard to qualification each one of them possessed. For that, the G.R. dated 21.4.1999 was issued. Comprehensive guidelines were issued to absorb those holding the certificates of S.S.C. passed and above as Group-C employee. In turn on 8.1.2001, the communications were sent to all the Divisional Commissioners. Accordingly, process of absorbing qualified Muster Assistants in Group-C posts began.

4. It is the case of the applicants that since inception, they ought to have been absorbed in Group-C category, since they were qualified for that category of posts. It is also their case that they having been denied the proper place in the service, they suffered monetary loss and thus they are entitled for difference in salary. They also sought appropriate position in the seniority list.

5. The respondents submitted reply. It is stated that in terms of G.R. dated 1.12.1995, the applicants were absorbed in Group-D posts and thereafter in terms of subsequent G.R., they have already been absorbed in Group-C posts and, therefore, no cause of action survives.

6. It is not denied that the applicant Sayyad Aziz Sayyad Jani (in O.A. No.492/2005) has been appointed in Group-C post in the office of Deputy Director of Land Records, Nagpur vide order dated 30.8.2005. Shri Shamrao Dharma Jangade (in O.A. No.456/2005), vide order dated 30.3.1998 has been absorbed in the office of Deputy Director of Land Records, Nagpur. Shri Manu Khobragade (in O.A.No.455/2005) vide order dated 30.8.2005 has been appointed as Clerk in the office of Taluka Inspector of Land Records, Aheri.

7. In this backdrop, grievance of the applicants that they ought to have been appointed in Group-C posts, does not survive. Their claim that they should be given proper position in the seniority list and they are entitled for difference in salary, has no substance. It is pertinent to note that whatever was granted by the Government to these Muster Assistants was in the nature of sops. Put it differently, they were not required to wait for advertisement of the posts, submit applications, stand in the queue, appear for test etc. As a one time measure and on sheer humanitarian ground, decision was taken to give them employment in Government departments and that too on the posts in Group-C. No decision was taken to pay them difference in salary or give them particular position in a seniority list. The G.R. dated 1.12.1995, subsequent G.R. dated 30.4.1999 do not spell out for giving any such concession. Absorption was to be made in stages and as per the availability of the posts. Same having been done,

the applicants cannot make any further demand. Accordingly, the O.A. Nos. 455, 456 and 492 of 2005 are dismissed.

No order as to costs.

(Justice M.N.Gilani)  
Member (J)

(B.Majumdar)  
Vice-Chairman

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