

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

CIVIL APPLICATION NO.73/2017

AND

ORIGINAL APPLICATION NO.85/2012.

Manohar Tukaram Wankhede,
Aged about 60 yrs.,
R/o C/o Shri Shiv Shakti Medicos,
Plot No.03, New Diamond Nagar,
Near star bus stop, Opp. Bus stop,
Ramna Maroti, Nagpur.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.86/2012.

Dhaniram Nanikram Shonik,
Aged about 63 yrs.,
R/o Near Gupta Kirana Stores,
Pandhrabodi, Ram Nagar, Nagpur.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents**ORIGINAL APPLICATION NO.87/2012.**

Ishwarsingh Balsingh Parihar,
Aged about 62 yrs.,
Occ-Pensioner,
R/o Shridhar Complex, Rajendra Nagar Layout,
Plot No.10 A & B, Hingna Road,
Near NMC Octroi Office, Nagpur.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.93/2012.

Subhash Wamanrao Joshi,
Aged about yrs.,
R/o Bhagyashree Colony,
Mouda Road, Ramtek, Dist.Nagpur.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.

- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents**ORIGINAL APPLICATION NO.94/2012.**

Sunderlal Chotelal Makrande,
Aged about yrs.,
Occ-Pensioner,
R/o Nagpur.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.95/2012.

Vasant Govindrao Mankar
Aged about 64 yrs.,
Occ-Pensioner,
R/o Apna Nagar, Takiya Ward,
National Highway No.6,
Near Railway file, Bhandara.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents**ORIGINAL APPLICATION NO.107/2012.**

Punjabsingh Chandansingh Parihar
Aged about 49 yrs.,
Occ-Service,
R/o C/o Shivaji Mankar,
Mahatma Fule Ward, Ramtek,
Distt. Nagpur.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.

Respondents

ORIGINAL APPLICATION NO.247/2012.

Ramdas Shamraoji Shende,
Aged about 62 yrs.,
Occ-Retired,
R/o Holi Maidan Chowk, Katol,
Distt. Nagpur.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.

- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.248/2012.

Natthu Jangluji Bansode,
Aged about yrs.,
Occ-
R/o Sahakar Nagar, Khat Road,
Laxmi Nagar Ward No.10, Bhandara.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.249/2012.

Madhukar Chintamanirao Motghare,
Aged about 62 yrs.,
Occ-Retired,
R/o Central Avenue Road,
Behind Hotel Paridise, Motghare Mohalla,
Nagpur-8.

Applicant**-Versus-**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

ORIGINAL APPLICATION NO.246/2012.

Mohanlal Bharatlal Chourasia,
Aged about 62 yrs.,
Occ-,
R/o 274, Mohan Nagar,
Near Orange City School, Nagpur.

Applicant

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Works,
Mantralaya, Mumbai-440 032.
- 2) The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-440 032.
- 3) The Superintending Engineer,
Public Works Circle,
Nagpur Circle, Nagpur.
- 4) The Executive Engineer,
Public Works Division No.1,
Nagpur.
- 5) The Accountant General-II (M.S.),
Nagpur.

Respondents

Shri N.R. Saboo, Ld. Counsel for the applicant.
Shri A.M. Ghogre, the learned P.O. for the respondents.

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

Dated: - 3rd April 2017.

Order

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

2. In all these O.As, the respective applicants were absorbed as Civil Engineering Assistants in P.W.D. and it is an

admitted fact that they were granted first time bound promotion scale. The Government of Maharashtra introduced %Assured Progressive Scheme+as per para 2 (c) of the G.R. dated 1.4.2010 and accordingly the employees were to be granted second time bound promotion scale on completion of continuous 24 years of service. However, benefit of the said second time bound promotion scheme has not been given to the applicants, since they got retired.

3. The Government has issued one G.R. dated 1.7.2011 whereby it was decided that all those employees, who got retired on superannuation between 1.10.2006 to 31.3.2010 were not eligible for being granted second time bound promotion scale. According to the applicants, the said G.R. dated 1.7.2011 is against the Articles 14 and 21 of the Constitution of India and, therefore, they have requested that the said G.R. be quashed and set aside and the respondents be directed to release the benefit of %Assured Progressive Scheme+as per para 2 (c) of the G.R. dated 1.4.2010 issued by the Finance Department to the applicants and the respondents be further directed to fix their pay accordingly and to revise their pension.

4. In O.A.No. 85/2012, the applicant Manohar Tukaram Wankhede has filed C.A. No. 73/2017 and submitted that the Government has issued subsequent G.R. dated 3.3.2006 and

corrigendum to it on 9.12.2016 in its Finance Department and, therefore, in view of the G.R. and corrigendum the respondents be directed to release the pay scale of Junior Engineer to the applicants. It is stated that all the O.As can be disposed of in view of the corrigendum dated 9.12.2016. The learned P.O. frankly admitted issuance of the corrigendum dated 9.12.2016.

5. As per corrigendum dated 9.12.2016, the Govt. of Maharashtra has issued corrigendum and has clarified the position as regards grant of second time bound promotion scale to the employee who got retired in between 1.10.2006 to 31.3.2010. The said corrigendum reads as under:-

अ .	मुदा	पटकरण
१.	सुधाएत सेवांतगस आवाएत गती योजनेअंतगस द. १.१०.२००६ ते ३१.३.२०१० या कालावधीत सेवाएवृ झालेया कमखायांना या योजनेअंतगस दुसरा लाभ अनुेय आहे क्वा कसे ?	सेवेत कायश्त असतांना पदोनती न मळायामुळे ममाषा झालेल कुठसता घालवयाचा या योजनेचा उदेश आहे. यामुळे जर पुवळ भावाने योजना लागू केल असल तर आदेशाया दनांकाला जे सेवेत कायश्त आहेत यांनाच या योजनेचे लाभ अनुेय करयाचा मणघ घेतलेला आहे. हणून द. १.१०.२००६ ते ३१.३.२०१० या कालावधीत सेवाएवृ झालेया कमखायांना या योजनेअंतगस दुसरा लाभ अनुेय नाह.

वरलमाणे मुदा १ समोरल रद केयाया अनुषंगाने जे कमचा / आधिकार हे दनांक १.१०.२००६ ते दनांक ३१.३.२०१० या दरयान शासन सेवेतून सेवाएवृ झाले आहेत अथवा यांचे शासन सेवेत कायश्त असतांना सदर कालावधी

दरम्यान जेव्हा झाले आहे त्यांच्याकडून सुधारित सेवांतर्गत आवाशीत गती योजनेचा दुसरा लाभ मंजूरबाबतच्या अटीची पूर्तता झाल्यानंतर त्यांना वेतनाचीतीचा त्यांचा लाभ हा फक्त जवळीवेतन वषयक / कुटुंब जवळीवेतन वषयक लाभांकाराचा अर्जाचे जवळीवेतन / कुटुंब जवळी वेतन, सेवाजवळी उपदान / मृत्यू उपदान तसेच राजा रोखीकरण, या लाभ मंजूरच्या योजनेअनुषंगाने राहिल. संबंधित अधिकारी / कमिश्नर यांना दुसरा लाभ मंजूरच्या अनुषंगाने थकबाकीची रक्कम अनुषंगाने राहणार नाही”

6. From the aforesaid corrigendum, it will be clear that the Govt. has now reconsidered its decision not to grant second time bound promotion to the employees who retired in between 1.10.2006 to 31.3.2010 and has taken a decision subject to certain conditions in the corrigendum dated 9.12.2016. If the directions are given accordingly to the respondents, the O.As can be disposed of in view of the said directions and the learned P.O. had shown willingness for passing necessary order in view of the said corrigendum. Hence, I proceed to pass the following order:-

(i) The C.A. No. 73/2017 in O.A. No. 85/2012 and other O.A. Nos.86, 87, 93, 94, 95, 107, 247, 248,249 and 246 of 2012 are partly allowed.

(ii) The respondents are directed to extend benefit to the applicants in view of Assured Progressive Scheme as per para 2 (c) of the G.R. dated 1.4.2010 issued by Finance Department of Govt. of Maharashtra as per the corrigendum dated 9.12.2016.

(iii) The respondents are further directed to modify the pay scale and pension of the applicants, in accordance with the corrigendum dated 9.12.2016.

(iv) Necessary order may be passed accordingly within three months from the date of this order.

(v) No order as to costs.

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

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