

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 494 OF 2016

Dist. : Aurangabad

Laxmikant Govindrao Ratnaparkhi,
Age. 65 years, Occu. Retired C.E.A.,
Plot no. 99, Nathpuram, Paithan Road,
Aurangabad – 431 002.

-- APPLICANT

V E R S U S

1. The State of Maharashtra
Through its Secretary,
Administration, P.W.D.,
Mantralaya, Mumbai – 32.
2. Shri Prakash Survase,
Under Secretary (Adm-2),
(Examination Deptt),
P.W.D., Hutatma Rajguru Chowk,
Mumbai.
3. The Superintending Engineer,
P.W.D. Circle, Handhkam Bhawan,
Adalat Road, Padampura,
Aurangabad.
4. The Executive Engineer,
P.W.D. Circle, Bandhkam Bhawan,
Adalat Road, Padampura,
Aurangabad.
5. The Deputy Director,
(Pension, Pension Pay Verification)
Directorate Accounts & Treasury,
Mumbai.
6. The Assistant Director
(Pay Verification), Treasury Office,
Aurangabad.

7. Shri Laxman Patil,
Joint Director (Pay Verification)
Treasury Office, Aurangabad.
8. Shri Deepak Pradhan,
Accounts Office (Pay Verification Unit)
Aurangabad. -- RESPONDENTS

APPEARANCE :- Shri S.B. Deshmukh, learned Advocate for
the applicant.

: Shri N.U. Yadav, learned Presenting Officer
for the respondents.

CORAM : **Hon'ble Shri B.P. Patil, Member (J)**
DATE : **22nd November, 2017**

O R A L - O R D E R

1. Heard Shri S.B. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The applicant was joined on 16.5.1972 as a Road Clerk with res. no. 4 in the pay scale of Rs. 115-4-135-5-160-EB-185 on Work Charged Establishment and thereafter he was brought on Regular Temporary Establishment w.e.f. 16.5.1977. After completion of training as a Civil Engineering Assistant (for short C.E.A.) from 1.7.1992 to 30.11.1992 the applicant was placed in the pay scale of Rs. 1200-30-1560-EB-40-2040 w.e.f. 1.12.1992. The applicant was granted first benefit of Assured Progression

Scheme w.e.f. 1.1.1997. He was working as a C.E.A. w.e.f. 1.12.1992 till the date of his retirement on superannuation. Some of the similarly situated employees like the applicant have approached this Tribunal by filing O.A. no. 963/2010. This Tribunal while disposing the said O.A. on 4.2.2011 has directed the respondents therein to consider the cases of all C.E.As. for passing suitable orders regarding exemption from passing the qualifying / eligibility examination on attaining age of 45 years and thereafter consider them for grant of time bound promotion / Assured Progress Scheme benefit as and when the C.E.As. fulfill both the conditions i.e. continued service of 12 years in the said cadre and exemption from the examination. The said decision of the Tribunal has been upheld by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in W.P. no. 6212/2011 & the group by the judgment and order dated 9.11.2011.

3. Thereafter the res. nos. 1 & 2 have issued the G.R. dated 31.7.2013 extending the benefits of higher pay scale to the C.E.As. Therefore, in pursuance of the said G.R. the applicant has approached the respondents and prayed to extend the said benefits to him. Thereafter, the res. no. 1 issued G.Rs. dated 1.11.2013 and 5.4.2014 giving certain clarification, which was

subsequently withdrawn by the res. no. 1 vide G.R. dated 21.11.2014.

4. The applicant has approached the res. no. 4 by making a representation dated 6.11.2015 for granting benefits to him in view of above facts. The res. no. 5 has sent the service book of the applicant to res. no. 7. The res. no. 7 raised some queries and sent back the said proposal to the res. no. 4. The res. no. 4 rectified the said queries but the matter has been referred to res. no. 5 and since then the said proposal is pending with the res. no. 5. Therefore, the applicant filed the present O.A. and prayed to direct the respondents to release the arrears of revised pension from 1.1.2010.

5. The respondents resisted the application by filing affidavit in reply. It is their contention that the applicant was working as a Road Clerk at the time of completion of 45 years age. Thereafter the applicant was absorbed as a C.E.A. vide letter dated 29.12.2004 (Annex. R.2.) and thereafter he came to be retired on superannuation and, therefore, the said benefits were not extended to him.

6. Learned Advocate for the applicant submits that similarly situated person viz. Shri Ramdas Tulshiram Patil has filed O.A.

no. 838/2015 before this Bench of the Tribunal and it was decided on 27.1.2017. He has submitted that the said O.A. was allowed and the Tribunal directed the respondents to consider the case of the applicant therein for granting time bound promotion in view of various G.Rs. on record and directed to take decision in the matter within 3 months from the date of said order. He has submitted that the said issue has already been decided by the Tribunal and the directions were issued to the respondents for considering the cases of the similarly situated persons. Therefore, the learned Advocate for the applicant has prayed to dispose of the present O.A. by issuing appropriate directions to the respondents.

7. The learned P.O. has prayed to dispose of the present O.A. by issuing appropriate directions as has been issued in O.A. no. 838/2015.

8. In the present case, exemption from passing the qualifying examination is given to the applicant from 1.1.1997 and he was absorbed as a C.E.A. w.e.f. 1.1.1992. In the case of similarly situated persons this Tribunal has given directions to the respondents to consider their cases for grant of time bound promotional scale in view of various G.Rs. The decision given by the Tribunal in O.A. no. 838/2015 on 27.1.2017 is applicable in the present matter also. In these circumstances, in my view, it is

just and proper to allow the O.A. & direct the respondents to consider the case of the applicant in view of various G.Rs. for grant of time bound promotional scale and the said decision be taken on merits within a period of 3 months from the date of this order.

9. In view of above discussion, I pass the following order :-

ORDER

- (i) O.A. is allowed and disposed of with no order as to costs.
- (ii) The respondents are directed to consider the case of the applicant for grant of benefits of time bound promotional scale in view of relevant G.Rs. and in view of the decision of the Tribunal dated 27.1.2017 in O.A. no. 838/2015, within a period of 3 months from the date of this order and to communicate the said decision to the applicant in writing accordingly.

MEMBER (J)