

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

(1) ORIGINAL APPLICATION NO. 858 OF 2018

DIST. : JALGAON

Sudhakar s/o Dnyandeo Patil (Died)
 Through his LRs -

1. Smt. Sangita Sudhakar Patil,
 Age. 57 years, Occ. : Service,
2. Hemanl Sudhakar Patil,
 Post marriage –
 Heman; Bhushan Choudhari,
 Age 30 years, Occ. House wife

Both R/o Gat No. 71/3+4+5,
 63, Sadashiv Nagar, Opp. Datt Mandir,
 Opp. Rajani Provision, Old Khedi Road,
 Jalgaon. ..

APPLICANTS

VERSUS

1. The State of Maharashtra,
 Through its Secretary,
 Revenue and Forest Department,
 Mantralaya, Mumbai – 400 032.
2. The Settlement Commissioner,
 New Administrative Building,
 Near Sadhu Waswani Chowk, Pune.
3. Deputy Director of Land Records,
 Nashik Region, Near Old C.B.S.,
 Sharnapur Road, Nasik.
4. The District Superintendent,
 Land Records,
 Collector Office Compound, Jalgaon. ..

RESPONDENTS

WITH

(2) ORIGINAL APPLICATION NO. 86 OF 2019

DIST. : AURANGABAD

Shri Bhimrao Shahuba Pawar,
Age. Major, Occu. : Retired,
R/o New Pahadsingpura, Devnandani Nagar,
Lenee Road, Aurangabad.

.. **APPLICANT**VERSUS

1. The State of Maharashtra,
Through Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. The Deputy Director of Land Records,
Aurangabad.
3. The Settlement Commissioner and
Director, Land Records, 2nd & 3rd Floor,
New Administrative Building,
Opp. Council Hall, Agarkar Nagar, Pune...

RESPONDENTSWITH**(3) ORIGINAL APPLICATION NO. 118 OF 2019**

DIST. : PARBHANI

Mr. Dagadu Keshav Dhage,
Age. Major, Occ. Retired,
R/o Trimurti Nagar, Swami Samarth Kendra,
Near Sinchan Nagar, Parbhani.

.. **APPLICANT**VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Aurangabad.

3. The Settlement Commissioner and
Director, Land Records, 2nd & 3rd Floor,
New Administrative Building,
Opp. Council Hall, Agarkar Nagar, Pune.
4. Deputy Superintendent,
Land Records, Jintur, New Tahasil Office,
Jintur, Dist. Parbhani. .. **RESPONDENTS**

*WITH***(4) ORIGINAL APPLICATION NO. 278 OF 2019**

DIST. : LATUR

Mr. Bhagwat Mahadeo Waghmare,
Age. 60 years, Occ. Retired,
R/o Siddharth Housing Society,
Road No. 12, Latur, Tq. & Dist. Latur. .. **APPLICANT**

VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. The Settlement Commissioner and
Director, Land Records, 2nd & 3rd Floor,
New Administrative Building,
Opp. Council Hall, Agarkar Nagar, Pune.
3. Deputy Director of Land Records,
Near Collector Office, Aurangabad.
4. Deputy Superintendent,
Land Records, Near Collector Office,
Osmanabad. .. **RESPONDENTS**

WITH

(5) ORIGINAL APPLICATION NO. 421 OF 2019

DIST. : JALGAON

Mr. Ramesh Sukhlal Bari,
Age. 59 years, Occ. Retired,
R/o Bare Wada in Chopda,
At Tal. Chopda, Dist. Jalgaon.

.. **APPLICANT**VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. The Settlement Commissioner and
Director, Land Record, Pune,
Central Building, Pune.
3. Deputy Director of Land Records,
Land Record Office, Near Old CBS,
Sharnapur Road, Nashik.

.. **RESPONDENTS***WITH***(6) ORIGINAL APPLICATION NO. 392 OF 2020**

DIST. : BEED

Mr. Ramchandra Bansi Shinde,
Age. 59 years, Occ. Retired,
R/o Swara Sangam Colony,
Khandeshwari Road, Beed.

.. **APPLICANT**VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Aurangabad.

3. The Settlement Commissioner and
Director, Land Records, Pune,
Central Building, Pune - 1.
4. The Superintendent Land Record Office,
Beed. .. **RESPONDENTS**

W I T H

(7) ORIGINAL APPLICATION NO. 394 OF 2020

DIST. : LATUR

Mr. Waman Kisanrao Mane,
Age. 58 years, Occ. Retired,
R/o Wadagaon Yeli Povali, Tq. Chakur,
Dist. Latur. .. **APPLICANT**

V E R S U S

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Aurangabad.
3. The Settlement Commissioner and
Director, Land Records, Pune,
Central Building, Pune - 1.
4. The Superintendent Land Record Office,
Osmanabad. .. **RESPONDENTS**

W I T H

(8) ORIGINAL APPLICATION NO. 395 OF 2020

DIST. : BEED

Mr. Arjun Bhimrao Misal,
Age. 62 years, Occ. Retired,
R/o MIDC Nawanath Nagar,
Beed. .. **APPLICANT**

VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Aurangabad.
3. The Settlement Commissioner and
Director, Land Records, Pune,
Central Building, Pune - 1.
4. Deputy Superintendent of Land Records,
Osmanabad. .. **RESPONDENTS**

WITH**(9) ORIGINAL APPLICATION NO. 398 OF 2020**

DIST. : OSMANABAD

Mrs. Jayashri Kailash Todkari,
Age. 58 years, Occ. Retired,
R/o Kailash Sadan, Plot No. 14,
Kathale Vihar, Behind Cancer Hospital,
Barsi, Solapur. .. **APPLICANT**

VERSUS

1. The State of Maharashtra,
Through : Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Opp. Collector Office, Aurangabad.
3. The Settlement Commissioner and
Director, Land Records, Pune,
Central Building, Pune - 1.

4. The Superintendent Land Record Office,
Osmanabad. .. **RESPONDENTS**

W I T H

(10) ORIGINAL APPLICATION NO. 173 OF 2021

DIST. : BEED

Mr. Waman Baburao Gaikwad,
Age. 64 years, Occ. Retired,
R/o Navnath Colony, Kashinath Giram Nagar,
Pangri Road, Beed, Tq. & Dist. Beed. .. **APPLICANT**

V E R S U S

1. The State of Maharashtra,
Through the Secretary,
Revenue Department, Mantralaya,
Mumbai -32.
2. Deputy Director of Land Records,
Aurangabad.
3. The Settlement Commissioner and
Director, Land Records, Pune - 1.
4. The Deputy Superintendent Land Record,
Beed.
5. Accountant General (A&E), Maharashtra II,
Civil Lines, Nagpur 440 001. .. **RESPONDENTS**

APPEARANCE :- S/shri J.B. Choudhary, S.D. Dhongde for
himself and holding for Smt. Suchita A.
Dhongde and G.N. Patil, learned counsel
for the applicants in respective matters.

: Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters.

Date : 22.12.2022

ORAL ORDER

Heard S/shri JB Choudhary, SD Dhongde for himself and holding for Smt. Suchita A. Dhongde and GN Patil, learned counsel for the applicants in respective matters and Shri VR Bhumkar, learned Presenting Officer for the respondents in all these matters.

2. Since the facts involved in all these matters are identical and the relief sought is also the same, I have heard all these matters together and deem it appropriate to decide all these applications by a common reasoning.

3. The applicants were appointed as Copying Clerks in the office of the Land Records as unpaid candidates and continued to work without any pay till the year 1998. Most of the applicants started working as such from year 1986 and some of them even prior to that from the year 1984.

4. The Government of Maharashtra in Revenue Department had appointed several Unpaid Copyist/Unpaid Clerks for providing certified copies to the litigants or public in general. The pleadings reveal that for the first time such Unpaid Copyist/Unpaid Clerks filed

Original Application No. 153/1991 (Madan V. Desai Vs. Settlement Commissioner, Pune and 2 others before this Tribunal for directions to absorb the applicants therein. The said OA was allowed with certain directions vide the judgment dated 20.10.1992. The said judgment was challenged up to the Hon'ble Supreme Court, however, no interference was caused and the judgment of the Tribunal has been maintained.

5. In view of the judgment delivered by the Tribunal in O.A. No. 153/1991 the State Government issued GR dated 21.10.1995 and 22.10.1996. Accordingly benefits of services were given to the Unpaid Copyist/Unpaid Clerks, who were appointed prior to 1987. However, there were many more such candidates working as Unpaid Copyist/Unpaid Clerks, who were also entitled for service benefits at par with the applicants in O.A. No. 153/1991 and many of them filed OAs before the Tribunal and some of them also filed Writ Petitions before the Hon'ble High Court. The State Government also adopted positive attitude in issuing GR dated 22.10.1996 for absorption of such Unpaid Copyist/Unpaid Clerks who had worked for more than 10 years on the cutoff date i.e. 30.11.1995. Later on, the Government of Maharashtra by GR dated 10.3.2005 issued fresh instructions that those, who have completed 10 years or above be absorbed in Government services on Class-III posts. In compliance of the aforesaid GRs the appointment orders were issued in favour of

the applicants in the year 2012 thereby appointing them on various posts in the respective offices of Land Records.

6. The information as about the present applicants showing their date of joining and date of retirement etc. in tabular form is as below:

उप संचालक भूमी अभिलेख औरंगाबाद व नाशिक विभागातील विना वेतन उमदवारांची निवृत्ती विषयक लाभासंबंधी (१९९६ व २००५ जी.आर. प्रमाणे) माहितीबाबत तक्ता

मुळ अर्ज क्रं. आणि अर्जदाराचे नांव	कार्यरत कार्यालय	विना वेतन म्हणुन काम करत असलेला दिनांक	लाभासाठी अनुज्ञेय दिनांक मुळ मेमो पेज क्रमांक	जन्म दिनांक	सेवानिवृत्ती दिनांक
८५८/२०१८ सुधकर पाटिल	अधिक्षक, भुमि अभिलेख, जळगांव.	१५.८.१९८६	१.६.१९९६	..	१.१२.२०१६
८६/२०१९ भिम्भराव एस. पवार	उप संचालक, भुमि अभिलेख, औरंगाबाद.	१०.८.१९८७	१०.३.२००५	१०.५.१९५९	३१.५.२०१७
११८/२०१९ दगडू के. ढागे	उप संचालक, भुमि अभिलेख, परभणी.	३१.१.१९८४	०१.६.१९९६	१५.६.१९५९	३१.५.२०१७
२७८/२०१९ भागवत एस वाघमारे	उप संचालक, भुमि अभिलेख, उस्मानाबाद.	१३.३.१९८४	१.६.१९९६	१५.१०.१९५८	३१.१०.२०१६
४२१/२०१९ रमेश एस. बारी	उप संचालक, भुमि अभिलेख, नाशिक.	३१.४.१९८९	२२.१०.१९९६	५.१२.१९६०	३१.१२.२०१८
३९२/२०२० रामचंद्र शिंदे	उप संचालक, भुमि अभिलेख, औरंगाबाद, बीड.	२२.६.१९८८	१०.३.२००५	१.१.१९६२	३१.१२.२०१९
३९४/२०२० वामन के. माने	उप संचालक, भुमि अभिलेख, लातूर.	०१.९.१९८६	१०.३.२००५	५.२.१९६१	३१.५.२०१९
३९५/२०२० अर्जुन एम. मिसाल	उप संचालक, भुमि अभिलेख, लातूर.	०४.२.१९८५	१०.३.२००५	७.४.१९५८	३१.७.२०१६
३९८/२०२० जयश्री के. तोडकरी	उप संचालक, भुमि अभिलेख, उस्मानाबाद.	२४.११.१९८८	१०.३.२००५	१३.८.१९६२	३१.८.२०२०
१७३/२०२१ वामन बाबुराव गायकवाड	उप अधिक्षक, भुमि अभिलेख, बीड.	२८.३.१९८४	१.६.१९९६	..	३१.५.२०१७

7. In the present applications it is the grievance of the applicants that they have not been extended the pension and pensionary benefits for the reason that the respondents are computing the period of their service from the date of their formal regular appointment from the year 2012. In fact, having regard to the previous judgments delivered by the Tribunal, as well as, by the Hon'ble Bombay High Court and thereafter by the Hon'ble Supreme Court, there has remained no doubt that the candidates, who have worked initially on unpaid basis as Unpaid Copyist/Unpaid Clerks for more than 10 years, were directed to be regularized on cut-off date i.e. 30.11.1995 and thereafter it was clarified that the date on which services of 10 years would be completed, the same shall be held as cut-off date and thereafter the candidate concerned shall be held to have been appointed on regular basis.

8. In O.A. No. 385/2017 with O.A. No. 695/2017 similar issue was raised and the Hon'ble Principal Bench of this Tribunal at Mumbai has allowed the said OA. I deem it appropriate to reproduce herein below some of the paragraphs of said judgment, which may be relevant to decide the dispute raised in the present OAs also :-

“13. The problem arose when pension papers of one of the Applicant namely Smt. Shaila Ramchandra Pathak was forwarded to the office of Accountant General for grant of pension. The office of Accountant General raised objection that the said employee had not completed 10 years qualified service from the date of appointment order of 2012 as required in

Maharashtra Civil Services (Pension) Rules 1982, and therefore pension cannot be granted.

14. *Applicants, therefore, have filed the present Original Applications for directions so that in terms of Government Resolution dated 21.10.1995, 22.10.1996 and 10.03.2005 their services are regularized for retiral benefits.*

15. *Apart from these O.A.No.385 of 2017 and O.A.No.695 of 2017, another group of Unpaid Copyist / Unpaid Clerk have filed O.A.No.1134 of 2016 in this Tribunal which was allowed on 09.08.2017 and directions were given to extend the service benefits in terms of G.R. dated 21.10.1995 and 22.10.1996. Paragraph 15 and 16 of the judgment of the Tribunal in O.A.NO.1134 of 2016 is as follows :-*

“15. The above discussion must, therefore, have made it very clear and this bears repetition that the Clause (d) of the final order of the Hon’ble Bombay High Court, in Jawanjal’s matter has not at all been disturbed by the Hon’ble Supreme Court, and therefore, that particular Clause will have to be given effect to its entirety, and therefore, as I Indicated above, though both the sides at the Bar made extensive references to the various GRs and tried to canvass their respective cases, it bears repetition that no GR can deviate from the mandate of the Hon’ble Constitutional Courts and that is more so because they claimed that they thereby wanted to effectuate the said direction. I am very clearly of the opinion that this controversy is capable of being resolved with the guidance of the Judgment of the Hon’ble Bombay High Court and the Hon’ble Supreme Court. Consequently, therefore, the Applicants would be entitled to the service benefits with effect from 01/06/1996 including retiral benefits and the benefits of Time Bound Promotion exactly in the same way as per Clause (d) of the order of the Hon’ble Bombay High Court in Jawanjal’s matter. The final order herein will be in the same line.”

16. *It is held and declared that the Applicants would be entitled for consequential benefits on par with similarly placed and already absorbed unpaid workers by the State Government in accordance with the GRs of 21.10.1995 and 22.10.1996. The Applicants would be entitled to all the consequential benefits which their counter parts earlier were entitled to including the retiral benefits and the benefits of Time Bound Promotion. It is recorded that the pay, increments have already been given to them. The*

Respondents are directed to comply herewith within a period of four months from today. The Original Application is allowed in these terms with no order as to costs.”

The said judgment of this Tribunal was challenged by the State Government before the Hon’ble High Court in Writ Petition No.6261 of 2018 . The Hon’ble High Court dismissed the said Writ Petition on 25.02.2019. Paragraph 9 of the judgment is useful which is as follows :-

9] On examination, we have found that the Applicants who were unpaid workers, were appointed as far back as in 1986. This position is rather indisputable. Once it is found that the applicants were appointed prior to 12th February 1987, they deserve the ground of the same benefits which were granted to the unpaid copyists in Shivshankar G. Jawanjal (cited supra), in all respect. Moreover, even if they were assumed to have been appointed after 12th February 1987, in view of the order of the Supreme Court in the case of Yashwant Arjun More & Ors. (Civil Appeal No.4633 of 2007 and connected matters), they are entitled to similar benefits. Thus, from the material placed on record, we do not find that there is any dissimilarity between the Applicants and their counter-parts who were covered by the Judgment of the High Court in the case of Shivshankar G. Jawanjal (cited supra). In this view of the matter, there does not seem to be any justifiable reason not to give same dispensation which was given to the counter-parts of the Applicants in pursuance of the earlier order passed by this Court which was upheld by the Hon’ble Supreme Court. 10] We are, therefore, not inclined to interfere with the impugned order passed by the Tribunal. We find that the Writ Petition is unworthy of being entertained. Hence, the Petition stands dismissed. Rule is discharged.”

16. As such, the decision rendered by this Tribunal in O.A.No.1134/2016 has been confirmed by the Hon’ble High Court and now little is left with the Respondents to contest the claim of the present Applicants who are similarly situated persons. In O.A.No.1134/2016 also formal appointment orders were issued in the year 2012. However, this Tribunal held that the Applicants would be entitled for all the consequential benefits at par with

similarly situated and already absorbed Unpaid Copyist / Unpaid Clerk by the State Government in accordance with Government Resolution dated 21.10.1995 and 22.10.1996 and the Applicants were held entitled to all consequential benefits including retiral benefits. This being the position, now the Applicants in the present Original Applications are also entitled to the same dispensation.

17. True, in Government Resolution dated 10.03.2005 issued by the Government (Clause No.3), it is stated that after absorption of Unpaid Copyist / Unpaid Clerk in the Government employment the period of service of such candidate as Unpaid employee shall not be computed for leave, salary and retiral benefits. Whereas paragraph No.4 of the Government Resolution specifically states that the said decision would be operative from the date of decision of Government Resolution. Here it may be noted that in these two Original Applications there are in all 48 Applicants who are appointed for the work of Unpaid Copyist / Unpaid Clerk during the period from 1974 to 1992 on different dates. They have completed more than 10 years on the cut off dates of relevant G.R. dated 22.10.1996 and 10.03.2005.

18. Material to note that as per Government Resolution dated 22.10.1996, Unpaid Copyist / Unpaid Clerk who have worked for more than 10 years on cut- off date i.e. 30.11.1995 were held entitled for absorption. In so far as Unpaid Copyist / Unpaid Clerk who have not completed 10 years service on cut-off date i.e. 30.11.1995 it was directed that those who have worked for more than 3 years their names, having regard to their educational qualification, be recommended to State Selection Board so that by relaxing age limit further orders can be issued. This being so, the date of absorption should relate back to the date of issuance of G.R. and not from the date of issuance of formal order of appointments which were issued in 2012 in so far as the present Applicants are concerned. Suffice to say the period of service for retiral benefits etc. needs to be considered from the date of issuance of G.R. and not from the date of issuance of formal appointment orders. There is no fault on the part of the Applicants, but the fault lies with the Respondents in issuance of formal orders of appointment belatedly. Therefore, the Respondents cannot take advantage of their own lethargy and inaction in issuance of formal appointment orders.

19. Smt. K.S. Gaikwad, Presenting Officer for the Respondents made feeble attempt to oppose the application placing reliance on the judgment of M.A.T Bench Aurangabad in O.A.No.218/2014, (Mr. Shaikh Ismail Shaikh Ibrahim Versus State of Maharashtra decided on 10.12.2014). In that O.A., the Applicant claimed seniority from the date of issuance of Government Resolution and prayed to compute service from G.R. dated 10.03.2005. The O.A. was rejected and the decision of the Tribunal was also confirmed by the Hon'ble High Court in Writ Petition No.7428 of 2016 decided on 06.01.2017. In that matter issue was pertaining to counting of service for Seniority and it is in that context the claim of Seniority in absence of any such stipulation in G.R. dated 10.03.2005 has been rejected. This judgment is obviously distinguishable and of little assistance to the Respondents in the present situation.”

The discussion made by the Tribunal in paragraph 21 is also quite significant, which reads thus :-

“21. It is thus obvious that the objection raised by the office of Accountant General in the matter of grant of pension relating to one of the Applicant, Smt. Shaila Ramchandra Pathak on the ground that she has not completed 10 years of service from the date of issuance of order as required in Maharashtra Civil Services (Pension) Rules 1982 is unsustainable in law. The services of the Applicants are required to be considered from the cut-off date as mentioned in the G.R. dated 14.10.1996 or 10.03.2005, as the case may be, having regard to the completion of 10 years period of each Applicant on the cut-off date. Here it may be noted that in similar question was in issue in O.A.No.236 of 2017 before M.A.T Bench Aurangabad (Smt. Yamuna Lakshymanrao Bhosale Versus The State of Maharashtra & Ors.) decided on 21.12.2018. In that O.A. also the Applicant was appointed by order dated 31.07.2012 in pursuance of G.R. dated 10.03.2015. She retired on 30.11.2016 on attaining the age of superannuation. After retirement the office of Deputy Superintendent of Land Records rejected her application for grant of pension on the ground that she has not rendered continuous 10 years service for getting the pension as her appointment is of the year 2012. The Tribunal, having considered entire controversy, in the light

of judgment of Hon'ble Supreme Court in Jawanjal's matter and G.R. dated 10.03.2005 held that the services of the Applicant in case of Smt. Yamuna Lakshymanrao Bhosale needs to be considered from the date of issuance of G.R. dated 10.03.2005 and not from the date of issuance of belated appointment order."

9. In spite of the decisions as aforesaid wherein the similarly situated candidates like the present applicants are held entitled for the service benefits including the retiral benefits as per GRs dated 21.10.1995, 22.10.1996 and 10.3.2005 as the case may be, are required to again knock the doors of the Tribunal by filing the present OAs. As per the service details provided by the applicants, which are reproduced hereinabove in tabular form all these applicants are entitled for the benefits under GR dated 21.10.1995, 22.10.1996 and 10.3.2005 as the case may be. The facts as are pleaded by the applicants as about their period of service are not contraverted by the respondents by producing any independent evidence in that regard. Though the learned Presenting Officer has again sought to rely upon clause 3 of G.R. dated 10.3.2005 for seeking rejection of the applications, I am not convinced with the submissions so made. The Hon'ble Supreme Court in its judgment delivered in Civil Appeal No. (S) 7323/2021 (arising out of SLP (C) No. 4862/2020) has referred to clause 3 of Circular dated 10.3.2005. I deem it appropriate to reproduce the discussion made by the Hon'ble Supreme Court on the said issue, which reads thus :-

“The Circular dated 10.03.2005 on which Mr. Shekhar Naphade, learned senior counsel appearing for the State was harping upon, in particular clause 3 reads as under:

“xxxxx

3) On non-salaried Copyists getting accommodated in Government service, the period for which they have worked as nonsalaried Copyists will not be taken into consideration for the benefit of leave and pension or any other Government purpose relating to service.”

It clearly indicates that the service rendered by the employee as a non-salaried copyist will not be taken into consideration for the benefits such as leave and pension or any other government purpose relating to service.

Undisputedly, the employees / respondent(s) herein were paid salaries from the date they were regularized and completed service of 10 years and became a Government employee for all practical purposes and at least were not non-salaried employees thereafter and according to the order passed by the Government dated 31.05.2012, salary has been paid to each of them from the date of regularization, at least clause 3 of the Circular dated 10.03.2005 will not come as an impediment to restrict their claim which otherwise the employee is entitled for.

After a long battle, the High Court has settled their grievances by the impugned judgment dated 25.02.2019.

We have heard learned counsel for the parties at length and find no reason to interfere in the impugned judgment in the instant appeal.

Consequently, the appeal fails and stands dismissed. We consider appropriate to direct that let the State of Maharashtra appellant(s) make appropriate compliance and benefits be extended to all the employees (not only to the respondents herein but all the other employees who are similarly situated).”

10. In view of the judgments discussed hereinabove there has remained no doubt that the applicants are entitled to the service benefits including the retiral benefits in terms of GRs dated 21.10.1995, 22.10.1996 and 10.3.2005 as the case may be, having

regard to completion of 10 years service on cutoff dates. All the Original Applications therefore deserve to be allowed. In the result the following order is passed :-

ORDER

(i) Original Application no. 858/2018, O.A. Nos. 86, 118, 278, 421 ALL OF 2019, O.A. NOS. 392, 394, 395, 398 ALL OF 2020 AND O.A. NO. 175/2021 are allowed.

(ii) It is hereby declared that the Applicants are entitled to the service benefits including retiral benefits in terms of G.Rs. dated 21.10.1995, 22.10.1996 and 10.03.2005 as the case may be, having regard to the completion of 10 years services on cut-off dates mentioned in these Government Resolutions.

(iii) As some of the Applicants are already retired from the Government service it is directed that the service benefits as per their entitlement having regard to their services on cut-off dates, be considered and retirement benefits be extended to them within three months from today.

(iv) No order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 22nd December, 2022