

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION NO. 04/2023 IN
ORIGINAL APPLICATION NO. 126/2017 (S.B.)

1. Zilla Parishad Yavatmal,
Through its Chief Executive Officer, Yavatmal.
2. Education Officer (Primary),
Zilla Parishad, Yavatmal.

Applicants.

Versus

- 1) Ram Madhavrao Halde,
Aged about 60 years,
Occ. Retired, R/o. Shivajinagar, Ner,
Tq. Ner, Dist. Yavatmal.
- 2) State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.
- 3) Director of Education
(Secondary and Higher Secondary Board), Pune.

Respondents

Shri B.N.Jaipurkar, Id. Advocate for the applicants (Org. Respondents 2 and 3).
Shri R.M.Halde, Applicant in person for the respondent no.1 (Org. Applicant).
Shri M.I. Khan, learned P.O. for respondent nos.2&3 (Org. Resp.nos.1&4)

Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman.

Dated :- 09/02/2023.

ORDER

Heard Shri B.N.Jaipurkar, learned counsel for the applicants (Org. Respondents 2&3), Shri M.I. Khan, learned P.O. for respondent nos.2 and 3

(Org. respondent nos.1&4) and Shri R.M.Halde, Applicant in person for the Respondent no.1 (Org. Applicant).

2. The Original applicant's amended prayer in the O.A. at page no.6 is as follows –

“(ii) be pleased to direct the respondent nos.2 to 4 to grant benefits of the pay scale of Rs.9125-275-14075 to the applicant as per the government resolution dated 20/07/2004 on completion of 24 years of service,

(iii) further be pleased to direct the respondents to revise the pension and the pensionary benefits of the applicant as per pay scale of Rs.9125-275-14075 and as per Government Resolution dated 20/07/2004.”

3. The O.A. was allowed in terms of prayer Clause nos.(ii) and (iii). However, the Zilla Parishad, Yavatmal has filed Review Application No.04/2023 in O.A.126/2017. As pointed out by the Zilla Parishad, Yavatmal in Review Application on page nos.2&3 in para-2 they have mentioned that “as per the G.R. dated 2/9/1989 he would have been entitled to the higher pay scale on 04/12/2008 i.e. on completion of further 12 years, but on 11/1/2008 he was promoted as Block Education Officer (Class-2), therefore, question of granting higher pay scale on 4/12/2008 did not arise.” Their submission is correct, because, that typographical mistake by filing reply of respondent nos.2 and 3 in the O.A., in para-4 at page no.25 it was mentioned that the applicant retired on 11/1/2008 that might be typographical mistake and due to that by passing the order dated 30/03/2021, prayer clause (ii) was allowed.

4. In prayer clause (iii), the original applicant has mentioned about the pay scale and not about the increment. The pay scale is of selection grade. Hence, that prayer cannot be allowed.

5. In view of these facts and circumstances, the O.A. was liable to be dismissed.

6. Now, by filing Review Application, the Zilla Parishad, Yavatmal corrected the position of promotion of original applicant which was related to ACP. Regarding prayer clause (iii), there was also clarified that it is related to selection grade, therefore, that prayer also cannot be granted.

7. In view of above, the order dated 30/03/2021 is recalled and the O.A. is dismissed.

8. In view of these facts, the Review Application No.04/2023 in O.A.No.126/2017 filed by the Zilla Parishad, Yavatmal, i.e., original respondent nos.2 and 3 is allowed and the O.A.No.126/2017 is dismissed. However, if any other relief is required by the original applicant, he is at liberty to file separate O.A.

Steno copy is granted.

(Shree Bhagwan)
Vice Chairman

Dated – 09/02/2023.
dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed : 09/02/2023.

on and pronounced on

Uploaded on : 09/02/2023.

ok