

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION NO.17/2023
IN ORIGINAL APPLICATION NO. 608/2019 (S.B.)

1. The Superintending Engineer,
Water Resource Department,
Amravati, Dist. Amravati.
2. Executive Engineer,
Irrigation Department, Buldana,
District-Buldana.

Applicants.

Versus

1. The State of Maharashtra,
Through its Secretary,
Irrigation Department,
Mantralaya, Mumbai-32.
2. Pradeep S/o Parshuram Virulkar,
Aged 59 years, Occu.: Retired,
R/o. Viraj Park, Building No.24,
Flat No.17, Wardha Road Nagpur. (Dead through LRs.)
 - a) Smt Anagha Wd/o Pradip Virulkar,
A/o 57 Years, Occ.-Household
 - b) Smt Ankita Martin Morkroft
A/o-34 Years, Occ.-Not Known
 - c) Ku Pranita D/o Pradip Virulkar

A/o-29 Years, Occ.-Not Known
All Residents of Viraj Park, Building No.24,
Flat No.17, Wardha Road, Nagpur.

Respondents

Smt. U.A.Patil, Ld. Counsel for the applicant (Org. Respondents).
Miss A.Telange, Ld. counsel for the respondents (Org. Applicant).

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 25th August 2023.

JUDGMENT

Judgment is reserved on 22th August, 2023.

Judgment is pronounced on 25th August, 2023.

Heard Smt. U.A.Patil, learned counsel for the applicants (Original Respondents) and Miss A.Telange, learned counsel for the respondents (Original Applicant).

2. The applicants in this proceeding were respondents 2 and 3, and respondent no.2 herein (since deceased) was the applicant in O.A.No.608/2019. Legal heirs of the Original Applicant are brought on record.

3. Review of the Judgment and order dated 11.04.2023 is sought operative part of which reads as under –

The O. A. is allowed in the following terms-

The applicant is held entitled to get pay scale of Junior Engineer on completion of 45 years of age as at this point of time he became entitled to get exemption from passing the departmental examination and had also completed service of 12 years. The benefits flowing from this determination shall be extended to the applicant within two months from today. Issue of interest is kept open.

4. On 31.05.2023 the Original applicant submitted application (Annexure-B) before applicant no.2 herein containing the following-

मी आपल्या विभागांतर्गत मन प्रकल्प व्यवस्थापन उपविभाग शिरा नेमाने या उपविभागातून दिनांक ३१.०१.२०१७ रोजी सेवानिवृत्त झालो आहे. मला आश्वसित प्रगती योजनेचे लाभ न मिळाल्याने मी महाराष्ट्र प्रशासकीय न्यायाधिकरण, नागपूर येथे न्यायालयीन प्रकरण दाखल केले होते. सदर प्रकरणाचा निकाल दि.११.०४ २०२३ रोजी लागला असून सदर निकालानुसार मी सेवेची १२ वर्षे पूर्ण केल्यामुळे मला वयाचे ४५ वर्षे पूर्ण केल्याचे दिनांकास कनिष्ठ अभियंताचे व्यावसायिक परिक्षेतून सुट देवून कनिष्ठ अभियंताची वेतनश्रेणी लागू करण्याची कार्यवाही दोन महिन्यात करण्याबाबत मा. न्यायालयाने निर्देशित केलेले आहे.

मा. महोदय, मा. न्यायालयाचा निकाल वरीलप्रमाणे असला तरी मला कालबद्ध पदोन्नतीचा पहिला लाभ दिनांक ०१.१०.१९९४ रोजी मिळाला असून त्यानंतर १२ वर्षांनी म्हणजेच दिनांक ०१.१०.२००६ रोजी एकाकी पदाचा दुसरा लाभ तसेच दि. ०१.०१.२०१६ रोजी कनिष्ठ अभियंताचे वेतन श्रेणीत तिसरा लाभ मंजूर करण्याची कार्यवाही आपण १ महिन्यामध्ये पूर्ण केल्यास, मा. न्यायालयाचा

निकाल माझ्या बाजूने लागलेला असला तरी वर उल्लेखित केलेल्या दिनांकास मला आश्वासित प्रगती योजनेचा दुसरा व तिसरा लाभ मंजूर केल्यास माझी काहीही हकरत नाही व याबाबत मी संबंधित न्यायालयात दाद मागणार नाही. तसेच दिनांक ११.०४.२०२३ रोजीच्या निकालाचे अनुषंगाने अवमान याचिका दाखल करणार नाही.

5. Miss A.Telange, learned Advocate for legal heirs of the original applicant submitted that in view of contents of the application dated 31.05.2023, the R.A. be allowed as prayed. Case is made out to review the order dated 11.04.2023. The order is reviewed and modified as follows. Respondent no.2/Original Applicant is held entitled to second benefit of time bound promotion w.e.f. 01.10.2006 and pay scale of Junior Engineer w.e.f. 01.01.2016, and consequential benefits. The R.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 25/08/2023
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Member (J).
Judgment signed on : 25/08/2023.
and pronounced on : 25/08/2023.