

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 619/2022(S.B.)

Dnyandeo s/o Ganpatrao Gawande,
Aged about 73 years,
Occu: Retired Government Servant,
R/o-69, Prabha Colony, Near Jalaram Nagar,
Amravati – 444606.

Applicant.

Versus

1. The Secretary,
Water Supply and Sanitation Department,
G.T. Hospital Building,
7th Floor, In front of Crawford Market,
L.T. Marg, Mumbai – 01.
2. The Commissioner,
Ground Water Survey & Development Agency,
Bhujbal Bhawan, Shiwaji Nagar,
Pune – 411005.
3. The Deputy Director,
Ground Water Survey & Development Agency,
Behind R.T.O. Camp, Amravati.

Respondents

Shri S.M.Khan,Ld. Counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 8th January, 2024.

JUDGMENT

Heard Shri S.M.Khan, learned counsel for the applicant and Shri H.K.Pande, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant was working as Deputy Engineer-Mechanical (Drilling Engineer) in the year 1983 in the pay scale of Rs.8000-275-13500/-. The applicant came to be retired on 30.11.2007. The applicant was due for benefit of Assured Career Progressive Scheme (ACPS) w.e.f. 01.08.2001 with next higher pay scale of Rs.10000-325-15200. The Government of Maharashtra has issued G.R. dated 20.07.2001. The applicant is retired on 30.11.2007. Therefore, he is entitled for the ACPS benefit w.e.f. 01.08.2001 as per the said G.R..

3. The respondents have granted the benefit of the said G.R. to similarly situated employees who were also working on the same post as like the applicants namely Shri A.V.Joshi and Shri S.S.Punde. Hence, the applicant approached to this Tribunal for direction to the respondents to grant ACPS w.e.f. 01.08.2001 as per the G.R. dated 20.07.2001.

4. The O.A. is strongly opposed by the respondents 1 to 3. He has submitted that contents of G.R. dated 20.07.2001 is part of record. In para 2 of the said G.R. there are conditions if the new scheme would be applicable, then one has to qualify the said condition that there is no avenue of promotion on the isolated post. If these conditions are not qualified then the new scheme should not be applicable. Hence, at last submitted that the applicant was not entitled and therefore benefit was not given. Hence, the O.A. is liable to be rejected.

5. During the course of submission, the learned counsel for the applicant has pointed out the Judgment of this Tribunal in O.A.No.52/2015 with connected O.A.No.55/2015. The similarly situated employees namely Suresh Punde and Laxam Kottewar approached to this Tribunal for grant of benefit as per G.R. dated 20.07.2001. They were also claiming that there was no any promotional post, they were holding isolated post and therefore this Tribunal has directed the respondents to pay the benefit as per Government G.R. dated 20.07.2001 w.e.f. 01.08.2001.

6. The learned P.O. strongly objected the O.A. and submitted that the applicant is already retired and therefore he cannot get benefit as per the G.R. dated 20.07.2001.

7. In the cited Judgment of this Tribunal in O.A.No.52/2015 with connected O.A.No.55/2015 one of the employee in O.A.No.55/2015 namely Laxman Kottewar was already retired on 31.07.2007. He had completed 12 years service. At the time of retirement, he was getting pay scale of Rs.2200-4000/-.

8. As per the submission of learned counsel for the applicant, he had already completed 12 years service on the post of Deputy Engineer-Mechanical (Senior Drilling Engineer). The applicant at the time of retirement was having basic pay scale of Rs.8000-275-13500/-. As per the G.R. dated 20.07.2001, those employees who are having pay scale of Rs.8000-275-13500/- and below, they are entitled to get next higher pay scale w.e.f. 01.08.2001. The applicant was having pay scale of Rs.8000-275-13500/-. As per the said G.R., pay scale was to be given Rs.10000-325-15,200/-. The applicant is already retired. The similarly situated employees like Laxman Kottewar and A.V.Joshi were granted the benefit of G.R. dated 20.07.2001 w.e.f. 01.08.2001. The applicant was working on isolated post. He had completed 12 years of service and therefore the applicant is entitled for the same relief. In fact, the respondents should have followed the Circular dated 28.02.2017 which was issued after the Judgment of Hon'ble Supreme Court in the case of

State of Uttar Pradesh & Ors Vs. Arvind Kumar Shrivastav
reported in 2015 (1) SCC 347.

9. As per the G.R. dated 20.07.2001, the following conditions are mentioned to get the benefit of the revised pay (promotional pay).

१) ही योजना रु.८०००-१३५०० व त्याहून कमी वेतनश्रेणीत वेतन घेणा-या अधिकारी/कर्मचा-यांना लागू होईल.

(२) या योजनेचा लाभ संबंधीत पदावरील १२ वर्षांच्या नियमित सेवेनंतरच अनुज्ञेय होईल.

(३) सेवेत दोन किंवा त्याहून अधिक वेळा पदोन्नती मिळालेल्या कर्मचा-यांना या योजनेचा लाभ अनुज्ञेय होणार नाही.

(४) या योजनेअंतर्गत पदोन्नतीच्या पदाची वेतनश्रेणी देय होईल. जेथे पदोन्नतीचे पद उपलब्ध नाही तेथे तसेच एकाकी (Isolated) पदावरील कर्मचा-यांना या शासन निर्णयासोबतच्या परिशिष्ट-एक मधील वेतनश्रेणी देय होईल.

(५) या योजनेअंतर्गत पदोन्नतीच्या पदाची वेतनश्रेणी देय ठरविली असल्याने वरिष्ठ वेतनश्रेणी मिळण्यासाठी पदोन्नतीच्या पदाकरिता विहित केलेली अर्हता, पात्रता, ज्येष्ठता, अर्हता परिक्षा, विभागीय परिक्षा या सर्व बाबींची पूर्तता करणे तसेच पदोन्नतीची कार्यपध्दती अनुसरणे आवश्यक राहिल. जेथे या शासन निर्णयासोबतच्या परिशिष्टातील वेतनश्रेणी मंजूर करण्यात येईल तेथे गोपनीय अहवालाच्या आधारे पात्रता तपासण्यात यावी.

(६) या योजनेचा लाभ संपूर्ण सेवेत फक्त एकवेळ अनुज्ञेय राहिल. ज्या कर्मचा-यांना दिनांक ८ जून १९९५ च्या शासन निर्णयान्वये यापूर्वीच वरिष्ठ

वेतनश्रेणीचा लाभ मिळाला असेल त्यांना या योजनेअंतर्गत पुन्हा वरिष्ठ वेतनश्रेणीचा लाभ अनुज्ञेय होणार नाही.

(७) या योजने अंतर्गत वरिष्ठ वेतनश्रेणी दिल्यावर वेतननिश्चिती नियमित पदोन्नतीप्रमाणेच होईल. मात्र त्याच वेतनश्रेणीत नियमित/कार्यात्मक पदोन्नती मिळाल्यावर पुन्हा वेतननिश्चितीचा लाभ देय होणार नाही

(८) नियमित पदोन्नती नाकारलेल्या तसेच नियमित पदोन्नतीस अपात्र ठरलेल्या कर्मचा-यांना या योजनेचा लाभ देय होणार नाही. या योजनेअंतर्गत वरिष्ठ वेतनश्रेणी दिल्यानंतर नियमित पदोन्नती नाकारलेल्या वा नियमित पदोन्नतीस अपात्र ठरलेल्या कर्मचा-यांना देण्यात आलेला लाभ काढून घेण्यात येईल. मात्र दिलेल्या लाभांची वसूली करण्यात येणार नाही.

३. या योजनेसंबंधीची अन्य मार्गदर्शक तत्वे वरील अनुक्रमांक (१) ते (३) येथील आदेशामध्ये नमूद केल्याप्रमाणे राहतील.

४. विद्यमान योजनेअंतर्गत ज्या पात्र कर्मचा-यांना यापूर्वी वरील अनुक्रमांक (१) येथील दिनांक ८ जून १९९५ च्या आदेशाच्या परिच्छेद २ (ड) मधील तरतूदीअन्वये यथास्थिती पदोन्नतीच्या पदाची किंवा सदर शासन निर्णयासोबतच्या परिशिष्टातील वेतनश्रेणी अनुज्ञेय करण्यात आली असेल त्यांना दिलेला लाभ यापुढेही तसाच चालू राहिल. सेवांतर्गत आशवासित प्रगती योजनेअंतर्गत मात्र आता अराजपत्रित कर्मचा-यांनादेखील यापुढे वरील परिच्छेद २ (३) मधील तरतूदीनुसारच हा लाभ देय होईल.

५. ही योजना दिनांक १ ऑगस्ट २००१ पासून अंमलात येईल.

The applicant has complied the conditions mentioned in the G.R.. The applicant was not getting more salary as mentioned in the G.R.. He had also completed 12 years of service on isolated post.

Therefore, he is entitled to get the benefit of G.R. w.e.f. 01.08.2001. This Tribunal has observed in O.A.Nos.52 & 55/2015 that those who have fulfilled the conditions of the G.R., are entitled to get the benefit w.e.f. 01.08.2001. The applicant has fulfilled the conditions. Therefore, he is entitled for the said benefit. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. It is hereby declared that the applicant is entitled to receive the benefit of Assured progressive Scheme (ACPS) introduced by the G.R. dated 20.07.2001 w.e.f. 01.08.2001 that being the date from which the benefit of the Scheme has been extended to the applicant.
3. It is further declared that the applicant is entitled to receive the higher pay scale as stipulated at the Sr.No.14. in the Scheduled annexed to the G.R. dated 20.07.2001 i.e. Rs.10000-325-15,200/-. The respondents shall pay the difference in the pay scale to the applicant and the pay scale in which the applicant was paid salary till his retirement.

The amount shall be paid to the applicant within three months from the date of receipt of this order.

4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 08/01/2024
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 Vice Chairman.
Judgment signed on : 08/01/2024.
Uploaded on : 12/01/2024.