

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**REVIEW APPLICATION NO.19/2022 IN**  
**ORIGINAL APPLICATION NO. 53/2019(S.B.)**

Shri Sharad s/o Dinkar Pachkhede,  
Aged about 60 years, Occu. Retired,  
R/o. C/o. K. S. Awatade Patel Nagar,  
Chandrapur.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
through its Principal Secretary,  
Water Supply & Sanitation Department,  
7th Floor, Gokuldas Tejpal Hospital Building,  
Lokmanya Tilak Road,  
Mantralaya Mumbai-04.
2. The Accountant General -II,  
Maharashtra, Nagpur (Accountant & Entitlement),  
Civil Lines, Nagpur.
3. The Director,  
Ground Water Supply and Development Agency,  
Maharashtra State, Bhujal Bhawan,  
Shivaji Nagar, Pune 411005.
4. The Administrative Officer,

Ground Water Supply and Development Agency,  
Maharashtra State, Bhujal Bhawan,  
Shivaji Nagar, Pune 411005.

5. The Deputy Director,  
Ground Water Supply and Development Agency,  
Maharashtra State,  
Jeevan Pradhikaran Building,  
Telankhedi, Civil Lines, Nagpur.
6. The Senior Geologist,  
Ground Water Supply and Development Agency,  
Administrative Building Room No. 15 & 16,  
Chandrapur.
7. The Senior Geologist,  
Ground Water Supply and Development Agency,  
Complex Area, Barrack No. 2,  
Gadchiroli.

**Respondents**

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Shri G.G.Bade, Ld. Counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

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**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 10<sup>th</sup> October, 2023.**

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**JUDGMENT**

Heard Shri G.G.Bade, learned counsel for the applicant  
and Shri S.A.Sainis, learned P.O. for the Respondents.

2. The applicant has prayed for modification of the order dated 12.02.2020 in O.A.No.53/2019.

3. Applicant had prayed in the said O.A. that his services were regularised from the year 1981. As per the direction of the Hon'ble Bombay High Court, Bench at Nagpur and therefore, he is entitled to get Old Pension Scheme.

4. This Tribunal in para 6, 7 and 8 recorded its findings as under-

***6. The above order was passed considering that applicant was getting Superannuated on 31/12/2018 as per the M.A.T. order. Respondent no. 5 conducted the meeting at Gadchiroli on 22/10/2018 and discussed on the representation of the applicant dated 05/03/2018. As per the M.A.T. order and relooked his original service book and found that he did not comply the conditions of notice issued by respondent nos. 5 to 7. Respondent nos. 1, 3 to 7 have filed their reply, respondent no. 5 i.e. Deputy Director, G.S.D.A., Nagpur has issued order dated 10/04/2014 which is at Annexure-R-1 along with reply as per the Hon'ble Court order in which reference of Government G.R. dated 01/04/2015 is mentioned in reference no. 2 vide this order, the applicant has been regularized in service and at condition no. 16 of this letter it is clearly mentioned following lines (Annexure-R-1, P.B., Pg. NO. 113):-***

*“महाराष्ट्र शासन, वित्त विभाग, शासन निर्णय क्र.अनियो-१००५/१२६/सेवा-४, दि. ३१.१०.०५ मधील तरतुदीनुसार व शासन वेळोवेळी आदेश देईल त्यानुसार अंशदान निवृत्तीवेतन योजना लागू राहिल.”*

*7. Again the said order has been revised vide order dated 04/02/2016 (Annexure-R-2) of reply at P.B., Pg. No. 114. However, conditions are same.*

*8. Since, specific condition no. 16 was mentioned in his absorption letter. In view of above discussions, the applicant cannot be entitled for old pension scheme. Hence, O.A. requires to be dismissed.*

5. The applicant was working as a daily wager. His services were terminated, therefore, he approached to the Labour Court. The Labour Court set aside the termination. Said order was challenged before the Industrial Court. The said order was set aside by the Industrial Court. Thereafter, the applicant has approached to the Hon'ble Bombay High Court. The Single Bench of Hon'ble Bombay High Court has dismissed the said Writ Petition. The L.P.A. was filed and the said L.P.A. was decided by the Hon'ble Bombay High Court and directed the respondents to reinstate the complainant / workman with continuity of benefit of service without backwages. He shall be entitled for consequential benefits, except getting actual payment of the arrears of backwages. Thereafter, the applicant was reinstated in service on Class-III post. As per the condition in the order dated 12.04.2015, the applicant was given regular posting

w.e.f. 11.03.2010. As per condition no.16, the applicant was not entitled for Old Pension Scheme. He is governed by the New Pension Scheme dated 31.10.2005. Thereafter, the order was revised on 04.02.2016. The services of the applicant were treated regular from 24.10.1981 and as per this revised order the old conditions mentioned in the earlier order dated 10.04.2015 were continued.

6. The applicant has accepted the appointment order. Latter on he made representation. The said representation was not decided. Therefore, he approached to this Tribunal. This Tribunal directed the respondents to decide the representation. The representation of the applicant was rejected. Therefore, the applicant had filed O.A.No.470/2018. This Tribunal as per the Judgment dated 12.10.2018 dismissed the O.A. on the ground that the applicant has accepted the conditions mentioned in the appointment / regularisation order. The applicant is now retired. The applicant was not granted the benefit of old pension scheme. The applicant had accepted the order and got salary of regular post. His services were regularised as per order dated 10.04.2015. No any retrospective effect was given in respect of Old pension scheme. Hence, there is no any prima facie error in the order of this Tribunal

dated 12.02.2020 in O.A.No.53/2019. Hence, the Review Application is without any substance, hence it is dismissed. No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 10/10/2023  
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 Vice Chairman .  
Judgment signed on : 10/10/2023.  
Uploaded on : 17/10/2023.