

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.596/2008

DISTRICT – AHMEDNAGAR

1. Kashinath Radhakishan Wagh,
Age : 53 years, Occ : Service,
R/o. Rajapur, Tq. Kopargaon,
Dist. Ahmednagar.

2. Subhash s/o Pandharinath Jondhale,
Age : 54 years, Occ : Service,
R/o. Pohegaon, Tq. Kopargaon,
Dist. Ahmednagar.

3. Subhash s/o Sopan Gore,
Age : 56 years, Occ : Service,
R/o. Chandekasare, Tq. Kopargaon,
Dist. Ahmednagar.

4. Manohar s/o Laxman Chandanshive,
Age : 64 years, Occ : Service,
R/o. Kumbhari, Tq. Kopargaon,
Dist. Ahmednagar.

...APPLICANTS

V E R S U S

1. The State of Maharashtra,
Through the Secretary,
Planning Department,
Mantralaya, Mumbai.

2. The Collector,
Dist. Ahmednagar.

3. The Tahsildar,
Tq. Kopargaon, Dist. Ahmednagar. ...RESPONDENTS

APPEARANCE :Shri A.D.Sugdare learned Advocate for the
applicants.

Smt. Deepali Deshpande, learned
Presenting Officer for the respondents.

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
A N D
Hon'ble Shri B. P. Patil, Member (J)

DATE: 17th February, 2017.

ORDER

[PER: VICE-CHAIRMAN (A)]

Heard Shri A.D.Sugdare, learned Advocate for the Applicants and Smt. Deepali Deshpande learned Presenting Officer (PO) for the Respondents.

2. This O.A. has been filed by the Applicants, who were absorbed by the Respondent no.3 in Class III posts from Muster Assistants working on Employment Guarantee Scheme (E.G.S.) works. The Applicants were terminated from service for failure to pass the requisite typing examination within 6 months from the date of appointment. The Applicants (four in number) had filed O.A.Nos.452, 453, 454 and 455 all of 2007, respectively challenging the order of termination. By order dated 05-03-2012 in O. A. Nos. 420/2007, 454, 2007 and 455/2007, the impugned orders were quashed as the Applicants had acquired typing proficiency. In O.A.No.452/2007, the Applicant retired from service on 31-05-2011, without acquiring typing proficiency and O.A. was disposed of. Learned Advocate for

the Applicants argued that only the question of salary for the period 07-07-2007 to 08-08-2007 remains.

3. We find that the Applicant No.4 (Shri Chandanshiv) had retired from service on 31-05-2011 without acquiring typing proficiency. However, his service was protected by virtue of interim order of this Tribunal dated 04-08-2007. The services of the Applicant No.1 (Shri Wagh) and the Applicant No.3 (Shri Gore) were regularized by this Tribunal by order dated 05-03-2012. It is presumed that the Respondent No.2 must have decided the issue of regularization of period from 07-07-2007 to 08-08-2007. If not, the same may be regularized by granting the Applicants leave due and admissible for that period. This O.A. is disposed of accordingly with no order as to costs.

(B. P. Patil)
MEMBER (J)

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Aurangabad
Date : 17-02-2017.