

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.797/2019

DISTRICT:- AURANGABAD

Maharashtra Rajya Rekhachitra Shakha
Karmachari Sanghatna,
Through its President,
Zaki Ahmed Jafri,
Office at : Plot No.45, In front of Icon Hospital,
Ganesh Colony, Aurangabad. ...APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Fort, Mumbai-400 032.
 - 2) The State of Maharashtra,
Through Its Secretary,
Water Resources Department,
Mantralaya, Fort, Mumbai-400 032.
 3. The State of Maharashtra,
Through Its Secretary,
Public Works Department,
Mantralaya, Fort, Mumbai-400 032.
 4. State of Maharashtra,
Through Its Secretary,
Soil & Water Conservation Department,
Mantralaya, Fort, Mumbai-400 032.
 5. State of Maharashtra,
Through Its Secretary,
Water Supply & Sanitation Department,
Mantralaya, Fort, Mumbai-400 032.
 6. State of Maharashtra,
Through Its Secretary,
Industries, Energy & Labour Department,
Mantralaya, Fort, Mumbai-400032. ...RESPONDENTS
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APPEARANCE :Shri Avinash S. Khedkar Advocate for the applicant.

Shri M.S.Mahajan Chief Presenting Officer for the respondents.

CORAM : A.D.Karanjkar, Member (J)

Decided on : 15-12-2020

J U D G M E N T

1. I have heard Shri Avinash S. Khedkar learned Advocate for the Applicant Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatna ("Karmachari Sanghatna" for short) and Shri M.S.Mahajan learned Chief Presenting Officer (CPO) for the respondents. I have perused the documents placed on record by both sides.

2. This Original Application is filed by the Applicant Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatna on behalf of its members. It is contention of the applicant that as per clause 3 of the G.R. dated 27-02-2006, decision was taken by the Government that the Applicant and other similar Government servants were not entitled for the arrears of pay for the period from 01-01-1996 to 31-03-2006. This clause in the G.R. was challenged in O.A.No.465/2008 and the O.A. was allowed by the Maharashtra Administrative Tribunal, Mumbai on

22-07-2013 and clause 3 of the G.R. dated 27-02-2006 was quashed and set aside. The Government of Maharashtra challenged that decision in Writ Petition No.6679/2014 and the Hon'ble Bombay High Court dismissed the Writ Petition on 02-08-2018 and confirmed the judgment delivered by the Maharashtra Administrative Tribunal, Mumbai.

3. After this judgment delivered by the Hon'ble Bombay High Court, the Applicant Karmachari Sanghatna filed this O.A. for issuing direction to the Respondents to extend the benefits of the Government Resolution dated 10-01-2019, which was issued by the Government of Maharashtra when Special Leave Petition was pending before the Hon'ble Supreme Court. The Applicant is also claiming that arrears of pay and allowances for a period from 01-01-1996 to 31-03-2006 be paid to all members of the Applicant Karmachari Sanghatna.

4. During the course of arguments, my attention was invited to the reply affidavit of respondent no.3. There is no dispute about the fact that the judgment delivered by the Hon'ble Bombay High Court in Writ Petition No.6679/2014 was challenged by the Government of Maharashtra (Agriculture Department) by filing Special Leave Petition

before the Hon'ble Apex Court. In the meantime, G.R. dated 10-01-2019 was issued for extending the benefits i.e. the pay scale from 01-01-1996 to 31-03-2006 subject to final decision by the Hon'ble Supreme Court. In paragraph no.8 of the reply, respondent no.3 has submitted that the matter was forwarded to the Finance Department and following note was passed by the Finance Department:

“Government in Agriculture Department issued G.R. dated 10/01/2019 for the implementation of the order of Hon'ble Tribunal and allowed the payment of arrears of pay revision subject to the condition of final order of the Hon'ble Supreme Court in SLP. Hon'ble Supreme Court has dismissed the SLP. But the Agriculture Department is in the procedure of filing revised SLP.

As the cases of Agriculture Department and Public Works Department are similar it will be proper to wait for the final order of Hon'ble Supreme Court in revised SLP.”

5. The SLP filed by the Government of Maharashtra came to be dismissed by the Hon'ble Supreme Court. The Government of Maharashtra thereafter filed Review Petition in the SLP. The learned Counsel for the Applicant submitted that the Hon'ble Supreme Court was pleased to

dismiss the Review Petition in SLP vide order dated 09-06-2020 and he has placed copy of the said order on record. Now, it is an admitted position that no matter is pending before the Hon'ble Supreme Court. Therefore, as per the remarks of the Finance Department, the Government is bound to give effect to the G.R. dated 10-01-2019 for paying the arrears of pay to all concerned who are eligible for the same. It is also clarified by the Finance Department in the remarks that as the cases of Agriculture Department and Public Works Department are similar, it will be proper to wait for final order of the Hon'ble Supreme Court in the Review Petition in SLP. The matter was also referred to Law and Judiciary Department and opinion given by the Law and Judiciary Department was that, "it will be advisable for the Public Works Department to apprise the Tribunal of the status of the matter and request to await the final decision of the Hon'ble Supreme Court on the issue". Now, position is that the SLP filed by the Government of Maharashtra as well as the Review Petition in SLP have been dismissed by the Hon'ble Supreme Court.

6. I have also perused affidavit filed by Kiran Bhanudas Suryavanshi, Under Secretary to Government of

Maharashtra, Finance Department, Mantralaya, Mumbai.
In view of this situation, there is no hurdle for giving direction to the respondents to implement the G.R. dated 10-01-2019 and give redressal to the Applicant Karmachari Sanghatna. In the result, I pass following order.

O R D E R

- (i) Original Application is allowed.
- (ii) Respondents are directed to pay arrears of pay as per the G.R. dated 27-02-2006* and second G.R. dated 10-01-2019 to the members of the Applicant Karmachari Sanghatna within 3 months from the date of this order.
- (iii) There shall be no order as to costs.

(A.D.KARANJKAR)
MEMBER (J)

Place : Aurangabad
Date : 15-12-2020.

*After hearing the Counsel for the applicant and P.O. date is corrected on 16.12.2020.

(A.D.KARANJKAR)
MEMBER (J)