

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 1025 OF 2022
(Subject:- Reinstatement)**

DISTRICT:- PARBHANI

Azizkhan s/o Yusufkhan Pathan,)
Age: 53 years, Occ: Nil,)
R/o near Guljar Masjid, Guljar Colony,)
Parbhani, Tq. and Dist. Parbhani.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through its Principal Secretary,)
Social Welfare Department,)
Mantralaya, Mumbai-32.)
2. **The Commissioner,**)
Social Welfare Department-3,)
Church Road, Pune-01.)
3. **The Regional Dy. Commissioner,**)
Social Welfare Department,)
Latur Division, Latur, Dist. Latur.)
4. **The Assistant Commissioner,**)
Social Welfare, Hingoli, Dist. Hingoli.) **RESPONDENTS**

APPEARANCE : Shri N.D. Sonavane, learned counsel
for the applicant.

: Shri A.P. Basarkar, learned Presenting
Officer for the respondent authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

RESERVED ON : **15.04.2024.**

PRONOUNCED ON : **09.08.2024.**

ORDER

Heard Shri N.D. Sonavane, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities finally with consent at admission stage.

2. By filing this Original Application the applicant is seeking direction to reinstate the applicant on his post as before with continuity in service and with full back wages. In the alternate the applicant is also seeking direction to the respondents to decide the representation dated 26.09.2012 filed by the applicant as early as possible.

3. In the nutshell the case of the applicant is that he was appointed as Junior Clerk by the Divisional Social Welfare Officer, Aurangabad on ad-hoc basis by issuing order dated 19.10.1992 and posted at Government Boys Hostel, Kallamnuri, Dist. Hingoli. However, the service of the applicant was continued by giving fresh appointment orders on completion of 29 days of each month by giving technical break of one day. One Shri Manik Dadarao Pawar was also appointed and continued along with the applicant. The

applicant and said Manik Dadarao Pawar were discontinued in service after 31.08.1997. It appears that both the employees have chosen different forums for redressal of their grievances.

4. It further appears that the Commissioner of Social Welfare, Pune has issued the circular for continuing the services of such temporary employees and proposal in this regard is pending with the Government.

5. Learned counsel for the applicant has fairly accepted that the respondent authorities have not passed any specific order in connection with the case of the applicant though the applicant has submitted various applications/representations from time to time. Learned counsel for the applicant submits that the purpose of filing of this Original Application will be served to some extent if the respondents are directed to decide the representation dated 26.09.2012 filed by the applicant in a time bound manner.

6. Learned Presenting Officer submits that though department had issued an order of appointments of Junior Clerks for 29 days in the year 1982 and onwards, however,

certain conditions are laid down in the orders. The applicant came to be appointed as a Junior Clerk on 18.11.1992 with the view to get the work of office done on day to day basis. The said appointment orders were issued until the Selection Board provided the suitable staff to the department. It was time gap arrangement made by the respondents.

7. Though the learned P.O. has raised specific ground in his written notices of arguments, however, the fact remains that no effective order has been passed against the applicant on his applications/representations submitted from time to time.

8. Learned Presenting Officer submits that if the respondents are directed to decide the said representation dated 26.09.2012 in time bound manner, the respondents may be granted liberty to decide the same on its own merits.

9. It appears that the similarly situated employee who also came to be appointed along with the applicant on day to day basis and the said employee under the orders of the Labour Court confirmed by the superior court was reinstated in service along with 50% backwages. Though the

applicant has filed the Writ Petition No. 6354/2020 before the Hon'ble High Court of Bombay, Bench at Aurangabad, however, it was disposed of with liberty to the applicant to approach this Tribunal. Thus the fact remains that the representation submitted by the applicant dated 26.09.2012 is still under consideration. Thus the directions can be given to the respondents to decide the said representation in time bound manner on its own merits. Hence, the following order.

ORDER

- (A) The Original Application is hereby partly allowed.
- (B) The respondent authorities are hereby directed to decide the representation dated 26.09.2012 submitted by the applicant as expeditiously as possible preferably within the period of three months from the date of receipt of this order on its own merits.
- (C) The applicant would be at liberty to approach this Tribunal in case of any adverse order is passed on his application/representation dated 26.09.2012.

- (D) In the circumstances, there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad

Date : 09.08.2024

SAS O.A. 1025/2022(S.B.) Re-instatement.