# MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

COMMON ORDER IN ORIGINAL APPLICATION NOS. 238, 239, 240, 241, 242, 243, 244, 245 & 254 ALL OF 2021

#### 1. ORIGINAL APPLICATION NO. 238 OF 2021

1.	Pandurang Hari Bhalerao,			
		)		
	Age : 61 years, Occu. : Retired,	)		
	R/o: Gokunda, Tq. Kinwat, Dist. Nanded.	)		
2.	Shaikh Jafar Shaikh Mehmood,			
	Age : 58 years, Occu. : Service,	)		
		)		
	R/o : Gokunda, Tq. Kinwat, Dist. Nanded.	•		
		APPLICANTS		
	VERSUS			
		、 、		
1.	The State of Maharashtra,	)		
	Through Secretary,	)		
	Irrigation Department,	j		
	Mantralaya, Mumbai.	)		
	Manualaya, Mumbai.	)		
2.	The Superintending Engineer,			
4.		)		
	Nanded Irrigation Circle, Nanded,	)		
	Tq. & Dist. Nanded.	)		
3.	The Executive Engineer,			
	Nanded Irrigation Division (North), Nanded	a <sup>′</sup> )		
		)		
	Chaitanya Nagar, Nanded.	)		
4.	The Superintending Engineer,	)		
4.		)		
	Vigilance Cell, Irrigation Department,	)		
	Regional Office, Behind Old High Court	)		
	Building, Adalat Road, Aurangabad.	j j		
	Dunanis, manat moud, marangabaai	RESPONDENTS		
	WITH			
<u>2. OF</u>	2. ORIGINAL APPLICATION NO. 239 OF 2021			
		<b>DISTRICT : NANDED</b>		
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1.Khanderao Mukundrao Aajegaonkar,<br/>Age : Major, Occu. : Retired,<br/>R/o : Behind Wamanrao Pawde Mangal<br/>Karyalaya, Nanded, Dist. Nanded.)

2 O.A. Nos. 238/2021 & 8 Ors. 2. Vitthal Shripadrao Warangane, Age : Major, Occu. : Retired, R/o: Jalgaon, Tq. and Dist. Jalgaon. \* Deorao з. Rangnath Ramrao Betkar, ected of per Age : Major, Occu. : Retired, 10 Tribunals R/o: Naigaon, Tq. Naigaon, Dist. Nanded. ) rdt-14112/2023 4. Ramrao Narayan Kadam, Age : Major, Occu. : Retired, unde 5. Rajaram Narayan Ghadge, Age : Major, Occu. : Retired, 6. Kaduji Dnyanuji Rankham, Age : Major, Occu. : Retired, 7. Eknath Ragoji Chavan, Age : Major, Occu. : Retired, 8. Bhimrao Baburao Walanjkar, Age : Major, Occu. : Retired, 9. Madhukar Waman Kharat, Age : Major, Occu. : Retired, 10. Wahed Kha Sardar Kha Pathan, Age : Major, Occu. : Retired, Applicant Nos. 4 to 10 all R/o Yeldari, Tq. Jintur, Dist. Parbhani. Laxman Dagadu Khade (Since Deceased) 11. Through LRs, 11/1. Smt. Kondabi Laxman Khade, Age : 58 years, Occu. : Household, R/o : At. Barashiv, Post. Karanjala, Tq. Basmat, Dist. Hingoli-431 705. 11/2. Sau. Kalpana Bhaskar Makrand, Age: 42 years, Occu. : Household, R/o: Priyadarshani Nagar, Basmat Road, Parbhani-431 401. 11/3. Chaya Santosh More, Age : 39 years, Occu. : Household, R/o: At. Post Pahani, Tq. & Dist. Hingoli-431 513.)

11/4	. Meena Pralhad Panchange,	)
	Age : 37 years, Occu. : Household, R/o : At. Post Dudhgaon, Tq. Jintur, Dist. Parbhani-431 509.	)
11/5.	<b>. Rahul Laxman Khade,</b> Age : 35 years, Occu. : Agriculture, R/o : At. Barashiv, Post. Karanjala, Tq. Basmat, Dist. Hingoli-431 705.	)   
11/6	<b>Amol Laxman Khade,</b> Age : 33 years, Occu. : Agriculture, R/o : At. Barashiv, Post. Karanjala, Tq. Basmat, Dist. Hingoli-431 705.	)   
12.	Hiraman Nagoji Khillare (Since Deceased Through LRs,	.)
12/1.	<b>. Nagorao Hiraman Khillare,</b> Age : Major, Occu. : Agriculture, R/o : Flat No. 05, Mishka Pride Apartment, Survey No. 58/1, 2/2, Plot No. 56, Dhrunagar, Gangapur Shivar, Nshik-42201	) )
12/2.	<b>. Ravi Hiraman Khillare,</b> Age : Major, Occu. : Agriculture, R/o : Flat No. 05, Mishka Pride Apartment, Survey No. 58/1, 2/2, Plot No. 56, Dhrunagar, Gangapur Shivar, Nshik-42201	)
12/3.	<b>. Santosh Hiraman Khillare,</b> Age : Major, Occu. : Agriculture, R/o : Flat No. 05, Mishka Pride Apartment, Survey No. 58/1, 2/2, Plot No. 56, Dhrunagar, Gangapur Shivar, Nshik-42201	)
12/4.	<b>. Shobha Milind Thorat,</b> Age : Major, Occu. : Household, R/o : At post Yeldari Camp. Tq. Jintur, Dist. Parbhani.	) ) )
12/5	<b>. Nirmala (Pradyna) Pradeep Khade,</b> Age : Major, Occu. : Household, R/o : At post Bramhagavan, Tq. & Dist. Par	) bhani.)

**APPLICANTS** 

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VERSUS

1.	<b>The State of Maharashtra,</b> Through Secretary, Irrigation Department, Mantralaya, Mumbai.	) ) )	
2.	<b>The Superintending Engineer,</b> Nanded Irrigation Circle, Nanded, Tq. & Dist. Nanded.	) ) )	
3.	<b>The Executive Engineer,</b> Purna Irrigation Division, Basmat Nagar, Tq. Basmat, Dist. Hingoli.	) ) )	
4.	<b>The Superintending Engineer,</b> Vigilance Cell, Irrigation Department, Regional Office, Behind Old High Court ) Building, Adalat Road, Aurangabad. )	) )	
		•••	RESPONDENTS

#### <u>WITH</u>

#### 3. ORIGINAL APPLICATION NO. 240 OF 2021

#### **DISTRICT : NANDED**

- 1.Ranjeetsingh Bhimsingh Rajput,<br/>Age : 62 years, Occu. : Retired,<br/>R/o : Malegaon Road, Nanded, Tq. Dist. Nanded.)
- 2. Sadatkhan Yushufkhan Pathan, ) Age : 62 years, Occu. : Retired, ) R/o : UPP Division 6 Chaitanya Nagar, Nanded.)
- **3.** Ram Chintaman Renuguntwar, ) Age : 61 years, Occu. : Retired, ) R/o : Near Wamanrao Pawade Mangalkaryalay,) Nanded. )

#### APPLICANTS

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#### VERSUS

- The State of Maharashtra, Through Secretary, Irrigation Department, Mantralaya, Mumbai.
   The Superintending Engineer,
  - Nanded Irrigation Circle, Nanded, Tq. & Dist. Nanded.

3.	<b>The Executive Engineer,</b> Urdhva Painganga Project Division 6, Chaitanya Nagar, Nanded.	) ) )
4.	<b>The Superintending Engineer,</b> Vigilance Cell, Irrigation Department, Regional Office, Behind Old High Court Building, Adalat Road, Aurangabad. )	) ) )
	<u>WITH</u>	RESPONDENTS
<u>4. OI</u>	RIGINAL APPLICATION NO. 241 OF 2021	
		<b>DISTRICT : NANDED</b>
1.	<b>Prakash Shreekrushna Shegokar,</b> Age : 52 years, Occu. : Service, R/o : Aakot, Tq. Aakot, Dist. Akola.	) ) )
2.	<b>Rajaram Gyanoba Kadekar,</b> Age : 56 years, Occu. : Service, R/o : Rudrawadi, Tq. Kalamnuri, Dist. Hir	) ) ngoli.)
3.	<b>Ramdas Purbhaji Raut,</b> Age : 58 years, Occu. : Service, R/o : UPP Division 1 Chaitanya Nagar, Na	) ) nded.)
4.	<b>Siddarth Sitaram Ingle,</b> Age : 54 years, Occu. : Service, R/o : UPP Division 1 Chaitanya Nagar, Na	) ) nded.)
5.	<b>Datta Bhujangrao Shinde,</b> Age : 61 years, Occu. : Retired, R/o : Belge Nagar, Naigaon, Tq. Naigaon, I 	) ) Dist. Nanded.) <b>APPLICANTS</b>
	<u>VERSUS</u>	
1.	<b>The State of Maharashtra,</b> Through Secretary, Irrigation Department, Mantralaya, Mumbai.	) ) )
2.	<b>The Superintending Engineer,</b> Nanded Irrigation Circle, Nanded, Tq. & Dist. Nanded.	) ) )
3.	<b>The Executive Engineer,</b> Urdhva Painganga Project Division 1, Chaitanya Nagar, Nanded.	) ) )

# The Superintending Engineer, ) Vigilance Cell, Irrigation Department, ) Regional Office, Behind Old High Court ) Building, Adalat Road, Aurangabad. )

. RESPONDENTS

#### <u>WITH</u>

#### 5. ORIGINAL APPLICATION NO. 242 OF 2021

#### **DISTRICT : NANDED**

- Shaikh Mohamad Farukh Mohamad Mastan,) Age : 59 years, Occu. : Retired,
   R/o : Basmat Nagar, Tq. Basmat, Dist. Hingoli.)
- 2. Narayan Ramrao Suryawanshi (Since Deceased) Through LRs,
- **2/1. Smt. Chandrakala Narayan Suryawanshi**,) Age : 59 years, Occu.: Household, )
- **2/2. Sharad Narayan Suryawanshi**, Age : 36 years, Occu.: Private Service,
- **2/3. Rajeshwar Narayan Suryawanshi**, Age : 33 years, Occu.: Private Service,

Applicant Nos. 2/1 to 2/3 R/o : Vaibhav Nagar, Nanded, Tq. Dist. Nanded.

**APPLICANTS** 

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## VERSUS

- 1.The State of Maharashtra,<br/>Through Secretary,<br/>Irrigation Department,<br/>Mantralaya, Mumbai.)
- 2. The Superintending Engineer, ) Quality Control Circle, Irrigation Department) Aurangabad, Behind Old District Court,) Aurangabad, Tq. and Dist. Aurangabad.)

3.	The Executive Engineer,	)
	Quality Control Department,	)
	Irrigation Department Nanded,	)
	Chaitanya Nagar, Nanded.	)

4.	The Superintending Engineer,	)
	Vigilance Cell, Irrigation Department,	)
	Regional Office, Behind Old High Court	)
	Building, Adalat Road, Aurangabad.	)
		RESPONDENTS

# <u>W I T H</u>

### 6. ORIGINAL APPLICATION NO. 243 OF 2021

		DISTRICT : NANDED			
	<b>Pandurang Ramji Bellale,</b> Age : Major, Occu. : Service, R/o : Hokarna, Tq. Jalkot, Dist. Latur. 	) ) APPLICANT			
	<u>VERSUS</u>				
1.	<b>The State of Maharashtra,</b> Through Secretary, Irrigation Department, Mantralaya, Mumbai.	) ) )			
2.	<b>Superintending Engineer,</b> Nanded Irrigation Circle, Sinchan Bhavan, New Work Shop, Nanded. Tq. & Dist. Nanded.	) ) )			
3.	<b>The Executive Engineer,</b> Nanded Irrigation Division (South), Chaitanya Nagar, Nanded, Tq. & Dist. Nar	) ) uded.)			
4.	<b>The Superintending Engineer,</b> Vigilance Cell, Irrigation Department, Regional Office, Behind Old High Court Building, Adalat Road, Aurangabad.	) ) ) RESPONDENTS			
	<u>WITH</u>				
<u>7. OF</u>	7. ORIGINAL APPLICATION NO. 244 OF 2021				
	<b>Venkat Ramji Shinde,</b> Age : 61 , Occu. : Service, R/o : Naigaon, Tq. Naigaon, Dist. Nanded.  <b>V E R S U S</b>	DISTRICT : NANDED ) ) APPLICANT			

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

	8 O.A. Nos. 2	238/2021 & 8 Ors.
2.	Superintending Engineer,)Nanded Irrigation Circle, Sinchan Bhavan,)New Work Shop, Nanded.Tq. & Dist. Nanded.	
3.	<b>The Executive Engineer,</b> ) Nanded Irrigation Division (South), ) Chaitanya Nagar, Nanded, Tq. & Dist. Nand	led.)
4.	The Superintending Engineer,)Vigilance Cell, Irrigation Department,)Regional Office, Behind Old High Court)Building, Adalat Road, Aurangabad.)WITH	RESPONDENTS
	RIGINAL APPLICATION NO. 245 OF 2021	
<u>8.0</u> 1 as per 1:50mals 4.12.2023.	<ul> <li><i>Shamacharya</i></li> <li>Sunil Ramacharya Dharmadhikari,</li> <li>Age : 57, Occu. : Service,</li> </ul>	DISTRICT : LATUR
	R/o : House No. 5, Sul Galli, Latur.  <u>V E R S U S</u>	APPLICANT
1.	<b>The State of Maharashtra,</b> Through Secretary, Soil & Water Conservation Department, Mantralaya, Mumbai.	) ) )
2.	<b>Regional Water Conservation Officer,</b> Soil & Water Conservation Department, Behind Old High Court, Adalat Road, Aurangabad, Tq. & Dist. Aurangabad.	) ) )
3.	<b>District Water Conservation Officer,</b> Soil & Water Conservation Department, Central Administrative Building, Shivaji Chowk, Latur, Tq. & Dist. Latur.	) ) )
4.	<b>The Executive Engineer,</b> Laghu Patbandhare Vibhag, Latur, Bandhkam Bhavan, Rajiv Gandhi Chowk, Latur, Tq. and Dist. Latur.	) ) )
5.	<b>The Superintending Engineer,</b> Vigilance Cell, Irrigation Department, Regional Office, Behind Old High Court Building, Adalat Road, Aurangabad.	) ) ) RESPONDENTS

## <u>WITH</u>

# 9. ORIGINAL APPLICATION NO. 254 OF 2021

## **DISTRICT : NANDED**

	DISTRICT : NANDED			
1.	Datta S/o Dhondiba Wagmare,)Age : 54 years, Occu. : Service,)R/o : Irrigation Colony, Tq. Naigaon, Dist. Nanded.)			
2.	Hanmant S/o Nagoba Bande,)Age : 60 years, Occu. : Service,)R/o : Muhkhed, Tq. Muhkhed, Dist. Nanded.)APPLICANTS			
	<u>VERSUS</u>			
1.	The State of Maharashtra,)Through Secretary,)Irrigation Department,)Mantralaya, Mumbai.)			
2.	<b>Superintending Engineer,</b> ) Nanded Irrigation Circle, Sinchan Bhavan,) New Work Shop, Nanded. Tq. & Dist. Nanded.)			
3.	<b>The Executive Engineer,</b> ) Nanded Irrigation Circle, Sinchan Bhavan,) New Work Shop, Nanded. Tq. & Dist. Nanded.)			
4.	The Superintending Engineer,)Vigilance Cell, Irrigation Department,)Regional Office, Behind Old High Court)Building, Adalat Road, Aurangabad.) RESPONDENTS			
APPI	<b>EARANCE</b> : Shri Vikram S. Kadam, learned counsel for the applicants in all these O.As.			
	: Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these O.As.			
	: Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3 in O.A. No. 238/2021.			
	: Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 239 & 240 both of 2021.			
	: Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 3 in O.A. No. 241/2021.			
	: Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 243, 244 & 254 all of 2021			

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CORAM	:	Hon'ble Justice Shri P.R. Bora, Vice Chairman
DATE	:	12.09.2023.

#### <u>ORAL-COMMON-ORDER</u>

1. Heard Shri V.S. Kadam, learned counsel for the applicants in all these matters, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters, Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3 in O.A. No. 238/2021, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 239 & 240 both of 2021, Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 3 in O.A. No. 241/2021 and Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 243, 244 & 254 all of 2021.

2. Since in all these matters issue involved is the proper implementation of G.R. dated 29.09.2003, I have heard all these matters together and I deem it appropriate to decide all these matters by this common order.

3. Majority facts are not in dispute. The applicants were initially daily wagers. Subsequently, they were brought on Converted Regulation Temporary Establishment (in short, CRTE) and in the passage of time, all were asked to work and have

actually worked on the higher post than the post on which they were shown to have been appointed. In the year 2003, the Government took a decision to ensure that each employee shall given designation having regard to the duties be and responsibilities being discharged by him and is paid wages commensurating to the said designation. The said scheme was popularly known as "कामानुसार हुद्दा व हुद्यानुसार वेतन". It is the grievance of the applicants that though principally it was accepted by the department in which they have been working that all these employees have worked from 2003 onwards and even prior to that and have discharged the duties of the higher post though they were shown to be working on some different inferior posts. It is the case of the applicants that they have been given their appropriate designation and the appropriate pay scale of the said post from the year 2008 onwards, however, have not been paid difference of wages of the period from 29.09.2003. From the pleadings in the O.As., it reveals that in some matters, the applicants therein have been paid the wages according to their designation from the year 2008, in some of the cases the same have been paid from 2014 and in some matters from 2016. This information is consolidated in Annexure-A, appended to the present order.

4. During the course of arguments, it is revealed that the necessary information was forwarded by the office of Executive Engineer, under which the applicants are working to the office of Superintending Engineer and the office of Superintending Engineer has forwarded the said information for further necessary action to the Circle Office at Aurangabad. The main grievance of the applicants is that though the necessary information is consolidated and entitlement of the applicants has been crystalized by the office in which they are working, only because the proposals are not forwarded to the State Government by the said office, the applicants are deprived from benefits for which they are entitled.

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5. The respondent Nos. 2 and 3 in all these matters have filed their joint affidavit in reply. Reply is filed in O.A. No. 238/2021 and it has been considered as reply in all other matters also, since the issues raised are similar in all these matters. Para No. 9 of the said affidavit in reply is material, wherein the respondents have stated that the information of arrears payable to the applicants according to their designation, which is given to them according to work they have been performing and pay scale according to that designation for the period 29.09.2003 to 16.11.2016 has been submitted vide office letter No. N.I.C./Est-4/3472, Date-05.08.2021 to Superintending Engineer, Vigilance Unit, Aurangabad, as per the directive given by Govt. letter dated 28.02.2019.

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6. The proposal as has been forwarded by the respondent Nos. 2 and 3 is admitted to the applicants.

7. Considering the facts as aforesaid, it appears to me that the actions are now required by respondent Nos. 4 and 1 i.e. State Government. In view of above, all these Original Applications deserve to be allowed by following order :-

#### <u>O R D E R</u>

- (i) The respondent Nos. 1 and 4 are directed to decide the proposal received from the office of respondent Nos. 2 and 3 in respect of benefits to be given to the present applicants based on the G.R. dated 29.09.2003 and accordingly, pay the arrears as are worked out in the said proposal within 12 weeks from the date of uploading of this order on the official website of this Tribunal.
- (ii) All these Original Applications allowed in the aforesaid terms.
- (iii) There shall be no order as to costs.

PLACE : Aurangabad.(Justice P.R. Bora)DATE : 12.09.2023Vice ChairmanUploaded on 14.10.2023Vice ChairmanKPB S.B. O.A. Nos. 238 to 245 & 254 all of 2021 PRB Service benefits as per G.R.

# Annexure-A

Sr. No.	O.A. No.	Name of Applicant/s	Date of appointment	Date from which the designation and the pay scale according to the said designation was extended to the applicant on the basis of G.R. dated 29.09.2003	Period of arrears
1	238/2021	1. Pandurang Hari Bhalerao	<b>05</b> .12.1977	14.05.2009	29.09.2003 to 16.11.2016
		2. Shaikh Jafar Shaikh Mehmood	01.10.1983	16.11.2016	29.09.2003 to 14.05.2009
2	239/2021	1. Khanderao Mukundrao Aajegaonkar	02.05.198 <b>8</b>	18.03.2008	29.09.2003 to 18.03.2008
		2. Vitthal Shripadrao Warangane		18.03.2008	29.09.2003 to 18.03.2008
		3. Rangnath Deorao Betkar	21.06.19 <b>83</b>	18.03.2008	29.09.2003 to 18.03.2008
		4. Ramrao Narayan Kadam	25.01.1980	18.03.2008	29.09.2003 to 18.03.2008
		5. Rajaram Narayan Ghadge	04.10.1983	18.03.2008	29.09.2003 to 18.03.2008
		6. Kaduji Dnyanuji Rankham	03.03.1970	18.03.2008	29.09.2003 to 18.03.2008
		7. Eknath Ragoji Chavan	24.04.1979	18.03.2008	29.09.2003 to 18.03.2008
		8. Bhimrao Baburao Walanjkar	17.05.1982	18.03.2008	29.09.2003 to 18.03.2008
		9. Madhukar Waman Kharat	01.06.1988	18.03.2008	29.09.2003 to 18.03.2008
		10. Wahed Kha Sardar Kha Pathan	08.02.1979	18.03.2008	29.09.2003 to 18.03.2008
		11. Laxman Dagadu Khade (Dead)	21.06.1977	18.03.2008	29.09.2003 to 18.03.2008
	0.40 (0001	12. Hiraman Nagoji Khillare (Dead)	01.08.1981	18.03.2008	29.09.2003 to 18.03.2008
3	240/2021	1. Ranjeetsingh Bhimsingh Rajput	19.12.1983	14.05.2009	29.09.2003 to 14.05.2009
		2. Sadatkhan Yushufkhan Pathan 3. Ram Chintaman	1983	16.11.2016	29.09.2003 to 16.11.2016
4	041/0001	3. Ram Chintaman       Renuguntwar       1. Prakash Shreekrushna	05.0 <b>1</b> .1984	16.11.2016	29.09.2003 to 16.11.2016
4	241/2021	Shegokar	05.01.1984		29.09.2003 to 16.11.2016
		<ol> <li>2. Rajaram Gyanoba Kadekar</li> <li>3. Ramdas Purbhaji Raut</li> </ol>	01.11.1984	16.11.2016	29.09.2003 to 16.11.2016 29.09.2003 to
		4. Siddarth Sitaram Ingle	01.09.1987	18.03.2008	16.11.2016 29.09.2003 to
		5. Datta Bhujangrao	01.05.1989	18.03.2008	<b>14.05.2009</b> 29.09.2003 to
5	242/2021	Shinde 1. Shaikh Mohamad Farukh	01.05.1987	18.03.2008	18.03.2003 to 29.09.2003 to
		1. Shakh Mohamad Parukh         Mohamad Mastan         2. Narayan Ramrao	01.05.1987	18.03.2008	18.03.2003 to 29.09.2003 to
6	243/2021	Suryawanshi (Dead) Pandurang Ramji Bellale	21.09.198 <b>8</b>	16.11.2016	18.03.2003 to 29.09.2003 to
7	244/2021	Venkat Ramji Shinde	02.07.1979	18.03.2008	16.11.2016 29.09.2003 to
8	245/2021	Sunil Shamacharya	07.03.1986	18.03.2008	18.03.2008 29.09.2003 to
9	254/2021	Dharmadhikari 1. Datta S/o Dhondiba	22.07.1985	18.03.2008	18.03.2008 29.09.2003 to
	,	Waghmar 2. Hanmant S/o Nagoba	14.09.1986	18.03.2008	18.03.2008 29.09.2003 to
		Bande			18.03.2008