

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 616 of 2019 (S.B.)

Suresh Dewaji Meshram,
 Age 52 years, R/o Govindpur Ward,
 Behind Primary School, Gondia, District, Gondia.

Applicant.

Versus

- 1) State of Maharashtra,
 through its Secretary,
 Skill Development, Employment & entrepreneurship Department,
 Mantralaya, MUMBAI, 32.
- 2) The Director of Vocational Education and Training, 3,
 Maha Palika Marge, MUMBAI 400 001.
- 3) The Joint Director,
 Vocational Education and Training, Regional Office,
 Civil lines, NAGPUR. 440 001.
- 4) The Headmaster,
 Government Technical Secondary School,
 Centre Tumsar. District Bhandara
 (शासकिय तंत्र माध्यमिक शाळा तुमसर).

Respondents.

S/Shri Bharat Kulkarni, S. Pande, Advocates for the applicant.
Shri S.A. Sainis, learned P.O. for respondents.

Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated :- 29/01/2025.

J U D G M E N T

Heard Shri Bharat Kulkarni, learned counsel for the
 applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The applicant is working as a Workshop Assistant. He is claiming for regularization on the post of Craft Instructor. He has made representation, but it is not considered by the respondents. Therefore, he has approached to this Tribunal on the ground that similarly situated employees were granted regularization on the post of Craft Instructor. Therefore, the present O.A. is filed for the following reliefs –

“(11) [I.] Direct the Respondents to regularize the applicant as Craft Instructor at par to those adjusted/regularized juniors in the Nagpur Region.

[II.] Direct the R. No.2 and 3 to decide the representations of applicant in view of the letter dated 10/10/2018 of R.No.2 and adjust the applicant in the vacant post of Instructor or Craft Instructor at par to those adjusted.

[III.] Direct the R. No.3 to continue the applicant at Tumsar in the vacant post of Instructor or Craft Instructor till regularization in the interest of justice.”

3. The O.A. is strongly opposed by the respondents. It is submitted that the issue is decided by the M.A.T., Principal Bench, Mumbai and thereafter the Government has issued the G.R. As per the Judgment in O.A.No.642/2007, the respondents have made statement that there is no post of Craft Instructor as per the Recruitment Rules of 1983 and therefore regularisation cannot be done.

4. After the Judgment of M.A.T., Principal Bench, Mumbai in the said O.A., the Government has issued G.Rs. directing the head of concerned Institutions to revert those employees who were promoted on the post of Craft Instructor.

5. In view of the Judgment of M.A.T., Principal Bench, Mumbai in O.A. 642/2007, dated 13/11/2009, the applicant is not entitled to get regularisation on the post of Craft Instructor. The material portion of the Judgment in para-13 is reproduced below –

“ (13) It is clear that the applicant who was recruited as a Workshop Assistant is not eligible for promotion to the post of Craft Instructor as per recruitment rules of 1983. It has been admitted by Government that earlier 10 Workshop Assistants were wrongly promoted by the Regional Heads and subsequently, orders have been issued on 15.9.2009 to revert those who have been wrongly promoted. In view of this position, it is obvious that the applicant has no case for being considered for promotion to the post of Craft Instructor.”

6. The Recruitment Rules of 1983 is filed on record. There is no post of Craft Instructor in the Recruitment Rules. Hence, the applicant cannot claim the regularisation on the post of Craft Instructor. Hence, the following order –

ORDER

(i) The O.A. is dismissed.

(ii) No order as to costs.

Dated :- 29/01/2025.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 29/01/2025.