

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 117 of 2022 (S.B.)**

1) Madhukar Kewji Neul,
Aged 70, r/o Bharatwada,
Post- Mahurzari, Th & Distt- Nagpur.

2) Vithoba Rajeram Shingane,
Aged 70, R/o Nimji, Post- Kalambi,
Th- Kalmeshwar, Distt- Nagpur.

Applicants.**Versus**

1) The State of Maharashtra,
through its Department of Planning,
Mantralaya, Mumbai-32.

2) Collector, Civil Lines, Nagpur.

3) Director, Geology & Mining,
Govt. of Maharashtra, 'Khanij Bhavan', Cement Road,
Shivaji Nagar, Nagpur.

Respondents.

S/Shri N.R. Saboo, A.P. Barhate, Advocates for the applicants.

Shri V.A. Kulkarni, learned P.O. for the respondents.

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

Dated :- 01/07/2024.

JUDGMENT

Heard Mrs. K.N. Saboo, learned counsel holding for Shri N.R. Saboo, learned counsel for the applicants and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.2. It is taken on record. This O.A. is covered by the Judgment of the Hon'ble Supreme Court in the case of the Hon'ble Supreme Court *in the case of Shaikh Miya S/o. Shaikh Chand etc. vs. State of Maharashtra, dated 07/09/2022 in Civil Appeal No.6531-6533 of 2022*. Hence, the matter is heard and decided finally.

3. The case of the applicants in short is as under –

The applicants were engaged as a Mustering Assistant in the year 1983-84. The applicants were entitled for absorption in Government scheme as per the G.Rs. dated 01/12/1995 and 21/04/1999. As per the order dated 27/01/2004, the respondent Collector issued the order of absorption of applicant no.1 on the post of Peon in the office of Tahsil, Nagpur and applicant no.2 on the post of Peon in the office of Tahsil, Kalmeshwar. After joining the office of Tahsil, Nagpur and Kalmeshwar respectively, as per recommendation of the Divisional Commissioner, Nagpur Division as per the order dated 04/12/2007, the applicants were issued another order of appointment in the office of respondent no.3. Applicant no.1 retired from service on 31/12/2012 and applicant no.2 retired on 30/03/2013. Till date the applicants are not paid any pension and therefore the applicants have filed the present O.A.

4. Respondent no.2 has filed reply. It is submitted that the applicants have not completed required service for grant of pension and therefore the O.A. is liable to be dismissed.

5. The cases of Mustering Assistant are covered by the Judgment of the Hon'ble Supreme Court in the case of **Shaikh Miya S/o. Shaikh Chand etc. vs. State of Maharashtra** (cited supra). The Hon'ble Supreme Court has directed to treat the services of Mustering Assistant as a regular service w.e.f. 31/03/1997. Therefore, the applicants are also entitled to get their services regularised from 31/03/1997 for the purpose of pensionary benefits. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to treat the applicants in regular service w.e.f. 31/03/1997 for the purpose of pensionary benefits only. The respondents are directed to pay pension and pensionary benefits, if they are eligible for the same.

(iii) No order as to costs.

Dated :- 01/07/2024.

(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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 01/07/2024.