

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 424 of 2023 (S.B.)

Shri Krushna S/o Rushiji Meshram,
Aged about 69 yrs., Occ. Retired,
R/o Bazar Road, Sindewahi, Distt. Chandrapur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Forest and Revenue, Mantralaya,
Mumbai.
- 2) The Collector, Chandrapur.

Respondents.

Shri G.G. Bade, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 01/07/2024.

JUDGMENT

Heard Shri G.G. Bade, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was working as a Mustering Assistant with
the respondents w.e.f. 1/4/1989. The applicant came to be absorbed
in regular service as per G.R. of 1995 and 1999 w.e.f. 20/1/2001 as a

Talathi. The applicant is retired from service on 31/3/2013. The applicant prayed to count his service w.e.f. 31/3/1997.

3. The learned counsel for applicant has pointed out the Judgment 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***. The Hon'ble Supreme Court has held that the Bombay High Court has directed to the State Government to issue an order within four weeks to absorb the remaining Mustering Assistants in terms of scheme dated 01/12/1995 with retrospective effect from 31/03/1997. The Hon'ble High Court further observed that as per the scheme, absorption of Mustering Assistants was not dependent on availability of vacancies and those posts were to be treated as supernumerary posts. The Hon'ble Supreme Court *in the case of Shaikh Miya S/o. Shaikh Chand etc. vs. State of Maharashtra (cited supra)* has held as under –

“We are thus of the view that the only direction which can be issued is that persons who has been absorbed over a period of time post 31.03.1997, for pensionable service, the reckoning date would be 31.03.1997 and such of the persons who have rendered a pensionable service on that basis would be entitled to that benefits.”

4. The Hon'ble Supreme Court has held that services of Mustering Assistant shall be treated as regular services w.e.f. 31/3/1997 for the purpose of pensionary benefits. The applicant was

absorbed in a regular service in the year 2001. The applicant was working as a Mustering Assistant since 1989. Therefore, the applicant is entitled to get his service regularised w.e.f. 31/3/1997. Hence the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to count the service of applicant as a regular service w.e.f. 31/03/1997 for the purpose of pensionary benefits only.

(iii) No order as to costs.

Dated :- 01/07/2024.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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.