

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1084 OF 2015

DISTRICT : SOLAPUR

Mr. Ashok V. Khadtare.)
Major, Minor Irrigation Sub-Division No.1,))
Ujani Colony, Pandharpur, District Solapur))
and Residing at Post : Bhose,))
Tal. Mangalvedha, District : Solapur.) **...Applicant**

Versus

1. The State of Maharashtra.)
Through the Secretary,)
Water Resources Department,)
Mantralaya, Mumbai - 400 032.)
2. Superintending Engineer.)
Bhima Canal Circle, Dist : Solapur.)
3. Executive Engineer.)
Minor Irrigation Division No.1,)
Solapur.)
4. Sub-Divisional Engineer.)
Minor Irrigation Sub-Division No.1,)
Ujani Colony, Pandharpur,)
District : Solapur.) **...Respondents**

Mr. M.D. Lonkar, Advocate for Applicant.

Mrs. A.B. Kololgi, Presenting Officer for Respondents.



P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 23.02.2017

JUDGMENT

1. This Original Application (OA) reflects a state of affairs manifesting the checkered history of the career of the Applicant. Herein, he seeks in effect the relief in consonance with the G.R. dated 24.4.2001.

2. I have perused the record and proceedings and heard Mr. M.D. Lonkar, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

3. The learned Presenting Officer (PO) is being instructed by nobody from the Respondents. The matter was heard for some time earlier today and as if to oblige the Tribunal, Mrs. Desai, Assistant Section Officer telephonically informed the Learned PO about the further steps. But at this stage itself, I place on record my strongest displeasure and disapproval of the complete disdain with which the process of this Tribunal has been taken by the Water Resources Department. Regardless of the outcome hereof, a copy of this Judgment shall be sent to the Principal Secretary of the said Department so as to bring to his notice the completely



negligent conduct of his department. He is further directed to make sure that the responsibility is fixed for taking this Tribunal's process lightly and if circumstances demand, appropriate departmental action is initiated and taken against the employee found guilty. Even if this OA shall be disposed of today, but the Principal Secretary of that Department shall still convey the steps taken by him and its outcome to this Tribunal latest by 15th April, 2017.

4. Turning to the present facts, there is a Government G.R. dated 19.11.2016 of Water Resources Department pertaining to the Applicant. The details have been mentioned therein as to how the Applicant was engaged as a daily wage earner on 6.5.1985. According to the said G.R, the Applicant remained absent without intimation. He filed a complaint under Maharashtra Recognition of Trade Unions and Prevention of Unlawful Practices Act, 1971 (ULP Act hereinafter) bearing No.241/1987 before the Hon'ble Labour Court. The said complaint was decided on 30.11.1993 and order of reinstatement was made without back wages. The matter was carried in revision to the Hon'ble Industrial Court by way of Revision Application No.116/1993. On 15.2.2003, the said revision was dismissed. A Writ Petition was filed in the Hon'ble Bombay High Court bearing No.6897/2003. That Writ Petition was dismissed. That entailed the responsibility and liability to implement the order of the Hon'ble Labour Court. A decision was taken to reinstate him without back



wages and he was reinstated on 14.7.2005 on the establishment of daily wage earners. On 14.7.2010, a proposal was submitted for taking him on the establishment of Converted Regular Temporary Establishment (CRTE). That proposal was not accepted but in case of the Applicant, in view of the G.R. dated 24.4.2001 pursuance to the orders of the Labour Court, Industrial Court and the Hon'ble High Court proceeding on the basis that his continuous service would have to be taken as five years and he would have to be given the benefits of permanency. He then filed the present OA. It was heard on 27.9.2016 and the facts that surfaced at the time of the hearing with regard to the various dates mentioned therein, a decision was taken which when translated in plain English would mean that in accordance with the G.R. of 24.4.2001, the first appointment of the Applicant would be taken to be 30.11.1993 and then, after continuous service of five years w.e.f. 30.11.1998, he would be taken on the Establishment of CRT. In Paras 3 and 4 of the GR under consideration, various terms and conditions have been mentioned and Para 5 in Marathi needs to be reproduced.

“५. श्री.अशोक वि.खडतरे यांना मजूर या पदावर रुपांतरीत अस्थायी आस्थापनेवर घेतल्यास त्यांना वेतन व भत्ते फरकाची रक्कम त्यांना प्रत्यक्ष रोजंदारी आस्थापनेवर घेतल्याच्या दि.१४.७.२००५ पासून अनुज्ञेय आहे. श्री.खडतरे हे नियतवयोमानानुसार दि.३१.५.२०१६ रोजी निवृत्त झाले असल्याने, दि.१४.७.२००५ पासून ते सेवानिवृत्तीच्या दिनांकापर्यंतची वेतन व भत्ते फरकाची रक्कम (सर्व प्रकारच्या भत्यासहित) त्यांना धनादेशाद्वारे एकरकमी अदा करण्यात यावी.”



5. Now, I am very clearly of the opinion that the Applicant has been sufficiently harassed, and therefore, now a fixed time limit will be prescribed to comply with the requirement arising out of the above quoted Para itself and also that of regular pension. This OA is, therefore, allowed in the following terms.

- (i) The Respondents are hereby directed to implement their own decision reflected by Para 5 above quoted as well as regular pension within a period of four weeks from today.
- (ii) In the event of failure to comply herewith in so far as monetary aspect is concerned, that would entail the liability to pay interest at the rate of Rs.12% p.a. from the date of accrual of the rate to that monetary claim till actual payment and other remedies which are normally open in such circumstances, shall be open to the Applicant to take.

No order as to costs.

Sd/-

(R.B. Malik)
Member-J
23.02.2017

Mumbai

Date : 23.02.2017

Dictation taken by :

S.K. Wamanse.

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