

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1099/2023 (S.B.)**

Shri Maroti S/o Rajeram Mankar,  
Aged about - 64 years, Occu. - Retired  
R/o C/o Shri Devaji Asutkar,  
Tukum Talaw, Ward No. 4,  
Durgapur Road, Tukum,  
Chandrapur.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through Principal Secretary,  
Water Supply and Sanitation Department,  
7<sup>th</sup> Floor, Gokuldas, Tajpal Hospital Building,  
Lokmanya Tilak Road, Mantralaya,  
Mumbai – 32.
2. The Commissioner,  
Ground Water Supply and Development Agency,  
Maharashtra State, Bhujal Bhawan, Shivaji Nagar,  
Pune – 411 005.
3. The Deputy Director,  
Ground Water Supply and Development Agency,  
Maharashtra State, Pradhikaran Building,  
Telankhedi, Civil Lines,  
Nagpur – 440 001.
4. Senior Geologist,  
Ground Water Supply and Development Agency,  
Administrative Building, Room Nos. 15 & 16,  
Chandrapur.
5. Senior Geologist,  
Ground Water Supply and Development Agency,  
Maharashtra State, Pradhikaran Building,  
Telankhedi, Civil Lines,

Nagpur – 440 001.

**Respondents**

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**Shri Y.N.Thengre, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 15<sup>th</sup> Oct., 2024.**

**Judgment is pronounced on 18<sup>th</sup> Oct., 2024.**

Heard Shri Y.N.Thengre, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Undisputed facts are as follows. Pursuant to the common order dated 10.01.2014 (A-1) passed by the Hon'ble Bombay High Court in L.P.A. Nos. 511/2012 & 512/2012, respondent no. 1 issued a G.R. dated 01.04.2015 (A-2) as follows:-

शासन निर्णय, सार्वजनिक बांधकाम विभाग दिनांक २४.४.२००९ मध्ये नमूद केलेल्या अटी व शर्ती पूर्ण करित असलेल्या भूजल सर्वेक्षण आणि विकास यंत्रणेच्या अधिनस्त कार्यालयातील वर्ग-३ व वर्ग-४ या पदांवर सलग रोजंदारी तत्वावर काम करित असलेल्या, यासोबत जोडलेल्या विवरणपत्रातील २६ कर्मचाऱ्यांच्या बाबतीत मा. न्यायालयांनी दिलेल्या आदेशानुसार त्यांच्या सेवा नियमित करण्यास यायाद्वारे मान्यता देण्यात येत आहे.

To this G.R. list of the beneficiaries was attached in which one Chand Khan Pathan and the applicant were named at Sr. Nos. 17 & 21, respectively. On 10.04.2015 order (A-3) was passed which *inter alia* stated:-

संदर्भ क्र. २ चे शासन निर्णय व मा. उच्च न्यायालय, मुंबई खंडपीठ नागपूर यांनी दिलेले आदेशानुसार, तसेच संदर्भ क्र. १ व ३ नुसार मला प्रदान करण्यात आलेल्या अधिकारान्वये, श्री. मारोती राजाराम मानकर तसेच श्री. चाँदखा इब्राहिमखान पठाण यांच्या सेवा दिनांक १०.०१.२०१४ पासून पहारेकरी पदावर नियमित करण्यात येत आहेत. त्यांना शासकीय सेवेत पहारेकरी (वर्ग-४) या पदावर, दिनांक १०.१.२०१४ पासून वेतनबँड रु. ४४४० - ७४४० + ग्रेडवेतन रु.१३००/- (नियमानुसार देय्य असलेल्या भत्त्यासह) या वेतनश्रेणीत खालील शर्ती व अटीवर त्यांचे नावासमोर दर्शविलेल्या कार्यालयात तात्पुरत्या स्वरूपात नियुक्ती देण्यात येत आहे. तसेच दिनांक १०/०१/२०१४ ते प्रत्यक्ष रुजू होण्याचा दिनांक हा कालावधी त्यांचा कर्तव्य कालावधी गणण्यात यावा. मात्र त्या कालावधीची वेतन व भत्त्याची कोणतीही थकबाकी देय राहणार नाही.

Wife and son of Chand Khan Pathan (since deceased) and the applicant filed O.A. Nos. 589 & 605/2017, respectively before this Bench. By common judgment dated 04.01.2019 (A-16) the O.As. were partly allowed. Operative part of this judgment reads as under:-

*The O. A are partly allowed.*

*The deceased Chandkha Pathan be regularised in service w.e.f. 09/01/1991 and Shri Maroti R. Mankar be regularised in service w.e.f. 07/07/1992. The respondents are directed to fix the salary of the applicants Shri Maroti R. Mankar and deceased Chandkha Pathan and release all consequential benefits to them. The respondents are directed*

*to comply this order within six months from the date of this order. The claims of the applicants for the back wages stand dismissed. Accordingly, the C.A.No.183/2018 in O.A.No.605/2017 also stands disposed of. No order as to costs.*

Being aggrieved by rejection of claim for back wages, the applicant filed W.P.No. 5050/2019 (at Pp. 129 to 142). On 19.07.2019 Rule was issued in this Writ Petition (A-18). On 22.10.2019 G.R. (A-5) was issued as follows:-

श्री मारोती राजाराम मानकर, यांच्या सेवा नियमित दिनांकामध्ये सुधारणा करण्यात आलेली असल्याने, श्री मानकर यांना दिनांक ०७/०७/१९९२ पासून अनुज्ञेय होणारी थकबाकी तसेच सर्व अनुषंगिक आर्थिक लाभ यांची परिगणना करून ही थकबाकी व लाभ श्री मानकर यांना तातडीने अदा करण्यात यावेत.

On 02.02.2023 the applicant submitted application (A-8/2) for extending benefits of the first and the second time bound promotions, with arrears. This application was rejected by the impugned order dated 27.02.2023 (A-12) by stating as follows:-

शासन निर्णय एस.आर.व्ही. 1095/पत्र क्र.33/95 बारा दिनांक 01/11/1995 अन्वये रोजंदारावरील सेवा ही नियमित सेवा नसल्याने रोजंदारी वरील नियुक्तीच्या प्रथम नियुक्तीच्या दिनांकापासून 12 वर्षांचा कालावधी गणणे अभिप्रत नसल्याचे स्पष्ट नमुद केले असल्याने आपणास पहिला व दुसरा लाभ लागू करता येणार नाही.

By filing C.A. the applicant withdrew W.P. No. 5050/2019 and by order dated 10.09.2024 it was dismissed as withdrawn. Hence, this Original Application for following reliefs:-

*i) To set-aside the impugned order dated 27/02/2023 issued by Respondent no. 3.*

*ii) To direct and command the respondents to grant time bound promotion to the applicant right from 07/07/2002 and 07/07/2012 in Class IV post and also grant ancillary benefits i.e. difference of salary and 18% interest thereon.*

3. Stand of respondents 2 to 5 is that the applicant joined on the post of Watchman on 20.04.2015, before completion of 12 years from this date of joining he retired on superannuation and hence his claim for time bound promotion was rightly rejected by the impugned order dated 27.02.2023.

4. It may be reiterated that by judgment of this Bench dated 04.01.2019 services of the applicant were regularized w.e.f. 07.07.1992. By order dated 22.10.2019 (A-5) arrears of backwages with consequential benefits w.e.f. the date of regularization of his services i.e. 07.07.1992 were directed to be paid to the applicant immediately.

5. In view of aforequoted facts, conclusion would be inescapable that case of the applicant for grant of benefits of time bound

promotion is required to be considered by proceeding on a footing that his regular service commenced on 07.07.1992. The respondents are accordingly directed to consider his case for grant of benefits of time bound promotions, and if he is otherwise found entitled to the same, extend arrears of monetary benefits to him. This exercise shall be completed within four months from the date of receipt of this order. **The O.A. is allowed in these terms with no order as to costs.**

**Member (J)**

**Dated :- 18/10/2024**

aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 18/10/2024  
and pronounced on

Uploaded on : 21/10/2024