

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 500 OF 2015

DISTRICT: DHULE

Rajaram Dada Gangurde,
Working as Part Time Sweeper in the
Office of R.T.O. Nashik, and posted at
Border Check Post Hadkheda,
Tq. Shirpur, Dist. Dhule and residing at
Shindwad, Tal. Dindori, Dist. Nashik.

..

APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through the Principal Secretary,
Home Department (Transport),
Mantralaya, Mumbai-400 032.
2. Commissioner of Transport
Having his office at Administrative
Building, 4th Floor, Government
Colony, Bandra (E), Mumbai 400 051.
3. Regional Transport Commissioner
Dhule Division, Dhule.

.. RESPONDENTS

APPEARANCE : Smt. K.T. Hiwrale, learned counsel for
the Applicant.

: Shri I.S. Thorat, learned Presenting
Officer for the Respondents.

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

J U D G M E N T
(DELIVERED ON 26th AUGUST, 2016.)

The applicant in this case is a Part Time Sweeper. It is stated that he was initially appointed as Gardner (Mali) in the office of the Regional Transport Office, Nashik from 16.12.1996 and thereafter, as part time sweeper from 19.08.2004. He made a representation for his absorption in regular Full Time Sweeper on 6.1.2006. The said representation was forwarded to the respondent no. 3 on 12.01.2006 for consideration and it was also recommended by the authorities on 28.03.2006. The respondent no. 3 however, directed respondent no. 2 to take proper decision. However, no decision was taken in spite of repeated communications. Finally, on 29.01.2010 the applicant again made a representation through proper channel and thereafter, on 31.01.2013. The applicant is claiming that he is entitled for regularization of his service and he be absorbed as Full Time Sweeper along with all consequential benefits and the respondents be directed to pay minimum amount of Rs. 600/- per month to him, during pendency of his application and for any other relief as may be entitled to him.

2. The respondents denied the claim of the applicant and submit that the applicant is Part Time Sweeper at Border Check Post Hadkheda, Tal. Shripur, Dist. Dhule and has been appointed on ad-hoc basis and he is not entitled to regularize in view of the decision taken by the Hon'ble Apex Court in Civil SLP No. 7744 of 1997 in the case of Dr. (Smt.) Chanchal Goel Vs. State of Rajsthan.

3. The applicant has placed on record number of judgments of this Tribunal such as O.A. Nos. 106/2006, 416/2012, 57/2006 & 64/2006 and O.A. No. 758/2013.

4. Heard Smt. Kranti T. Hiwrale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents. I have also perused the affidavit, affidavit in reply and various documents placed on record by the respective parties.

5. The applicant in present O.A., as already stated, is working as Part Time Sweeper on the establishment of respondent no. 3. The learned Advocate

for the applicant submits that the applicant is entitled at least wages as per notification dated 28.09.2010. There is nothing on the record to show that the applicant was appointed either temporarily or on permanent basis on a regular post. Admittedly, he was just Part Time Sweeper and therefore, he is not entitled to claim regularization. In all the O.As. to which the applicants has referred, the prayer for regularization was rejected.

6. I have perused the various judgments placed on record as well as judgment delivered in O.A. No. 758/2013, dated 5.12.2014 in the case of Annasaheb S/o Machindra Khazindar and others Vs. the State of Maharashtra and others. In all these O.As., the Part Time Sweepers were held eligible for the wages as per notification dated 28.09.2010. The learned Presenting Officer frankly admitted that the applicant is at the most entitled to wages as per G.R. dated 28.09.2010. In view thereof, I pass following order:-

ORDER

1. The Original Application is partly allowed.

2. The applicant's claim for regularization of service in the post of Full Time Sweeper is rejected.
3. The respondents are directed to fix the wages of the applicant as Part Time Sweeper in terms of notification dated 28.09.2010 and shall pay the said wages to the applicant as per the said notification.
4. Arrears of said wages be paid to the applicant as per said G.R. dated 28.09.2010 within three months from the date of this order.

There shall be no order as to costs.

(J.D. KULKARNI)
MEMBER (J)