

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1046/2021(S.B.)**

Shriram Yeshwant Nipane,
Aged 58 years, R/o. Kurud, Tahsil-Wadsa,
Dist. Gadchiroli.

Applicant.

Versus

1. State of Maharashtra,
Secretary (E.G.S.),
Department of Planning,
Mantralaya, Mumbai-32.
2. The Collector, Gadchiroli.
3. Commissioner of Agriculture,
Agriculture Commissionerate, M.R. 3rd Floor,
Central Administrative Building,
Maharashtra State, Pune-411001.
4. District Superintendent,
Agriculture Officer,
Complex, Gadchiroli-442605.

Respondents.

Shri N.R.Saboo, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

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

Dated:- 02nd July, 2024.

JUDGMENT

Heard Shri N.R.Saboo, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant had filed O.A.No.219/2018 seeking direction for grant of regularisation as per Government G.Rs. dated 01.12.1995 and 21.04.1999. On 07.11.2019, this tribunal allowed the said O.A. and directed the respondents to absorb the applicant in a regular service. The respondent no.2 absorbed the applicant in the office of respondent no.3 as Class-IV employee. The applicant is not getting the pensionary benefits because the respondents have not counted his regular service from the date of initial engagement as Mustering Assistant. Therefore, the applicant has filed the present O.A. for direction to the respondents to count his service from the date of initial engagement as Mustering Assistant.

3. The respondent no.2 has filed reply.

4. During the course of submission, the learned counsel for the applicant has submitted that during the pendency of this O.A., the services of applicant is regularised. Now, the applicant only prays to regularise his service as per Judgment of the Hon'ble Supreme Court in the case of **Shaikh Miya Son of Shaikh Chand etc. Vs. State of Maharashtra.**

5. Heard learned P.O. for the respondents. As per his submission, there is no prayer to regularise his service as per Judgment of the Hon'ble Supreme Court.

6. The Hon'ble Supreme Court has given guidelines in the case of **Shaikh Miya Son of Shaikh Chand etc. Vs. State of Maharashtra.** The Hon'ble Supreme Court has given the particular date to be taken into consideration for regular service of Mustering Assistant who are absorbed by the concerned department.

7. As per the direction of the Hon'ble Supreme Court in the case of **Shaikh Miya Son of Shaikh Chand etc. Vs. State of Maharashtra,** the services of Mustering Assistant are to be considered as a regular service w.e.f. 31.03.1997. Hence, the following order-

ORDER

1. The O.A. is allowed.
2. The respondents are directed to treat the services of the applicant as a regular service w.e.f. 31.03.1997 for the purpose of pensionary benefits only.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 02/07/2024.
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 02/07/2024.
