



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 1715 OF 2018

Maharashtra Rajya Sthapatya Abhiyantriki Sahayyak Sangh...Vs... The State of Maharashtra)
with

WRIT PETITION NO. 3633 OF 2018

(Maharashtra Rajya Sthapatya Abhiyantriki Sahayyak Sangh...Vs... The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.D. Meghe, Advocate for petitioner,
Mr. J.Y. Ghurde, Assistant Government Pleader for respondent.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 22-07-2024

Heard.

2. The petitioner approached the Maharashtra Administrative Tribunal through Original Application Nos. 317/2014 and 426/2014 seeking implementation of Circulars dated 18.3.1998 and 18.6.1998 and consequential benefit of promotional pay scale of Junior Engineer to Civil Engineering Assistants, particularly to those who have completed 45 years of age by granting exemption from passing the qualifying examination for the post of Junior Engineer.

3. In Original Application No. 426/2014 what was questioned is Circular dated 1.11.2013 along with Circulars dated 21.11.2014 and 12.2.2015, which were issued by the Public Works Department. In short, if Original Application No. 317/2014 is allowed, Original Application No. 426/2014 will be rendered redundant.

4. Be that as it may, with the assistance of

Mr. Meghe, learned Counsel for the petitioner and Mr. Ghurde, learned Assistant Government Pleader for the respondent, we have perused the scheme reflected in the Government Resolution dated 31.1.1989. Vide said Government Resolution, thirteen technical cadres, namely Muster Assistants etc. named therein were brought into one cadre of Civil Engineering Assistant in the pay scale of Rs. 1200-30-1440.

5. After the formation of said cadre from 1.1.1989, 6300 additional posts of Civil Engineering Assistant were to be created and employees above 45 years of age, were to be conferred benefit without insisting for clearing the technical examination as provided under the said Government Resolution.

6. The learned Tribunal while dealing with the claim of the petitioner in paragraph No.6 of the impugned order has made observations, which go completely contrary to the scheme and mandate of the Government as reflected in the said Government Resolution.

7. Apart from above, it is brought to our notice by Mr. Ghurde, learned Assistant Government Pleader, that the Rules are framed governing the service conditions, which are also not dealt with by the learned Tribunal.

8. Prima facie, we are of the view that the learned Tribunal has not considered the scheme as reflected in the Government Resolution dated 31.1.1989 in its true

perspective. Rather, the observations made in paragraph No. 6 onward of the impugned order depict that the learned Tribunal has not applied its mind to the facts in the case in hand so also the scheme of the Government.

9. That being so, we are of the view that the order impugned is not sustainable and is liable to be quashed and set aside. So, we quash and set aside the impugned order dated 11.8.2017 with a direction to the learned Tribunal to decide both the Original Applications afresh.

10. We permit the petitioner to appear before the learned Tribunal on 5.8.2024.

11. Let both these Original Applications be decided expeditiously considering the fact that the petitioner is pursuing the claim since 2014.

12. The petitions stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)