

Office Notes, Office Memoranda of Coram,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

Date : 29.04.2016.

O.A.No.387 of 2016

Shri V.B. Salunke

...Applicant

Vs.

The State of Maharashtra & Ors

...Respondents

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 17.06.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorised and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced alongwith affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. It is seen that the proposal submitted by the Respondent No.2, dated 21.11.2015 Exh. 'A-5' page no. 30, is pending before the Government.

8. According to the Applicant there are no reasons to justify the pendency.

9. It shall suffice if the Respondent decides on the request submitted by the Respondent No.2 at Exh. 'A-5' page 30 before the next date, if there is any legal impediment file an affidavit stating reasons as to why proposal cannot be considered or decided.

10. In the event decision is taken it shall be necessary to file an affidavit.

11. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

12. S.O. to 17.06.2016.

DATE: 29/4/2016

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member) A

APPEARANCE:

Shri/Smt. C.T. Chandratre

Advocate for the Applicant

Shri/Smt. N.G. Gohad

C.P.O./P.O. for the Respondent/s

Adj. To 17/6/16.

*[Signature]*

Sd/-

(A.H. Joshi, J)  
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate.....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>V.P. Potbhare</u> Advocate for the Applicant Shri/Smt. : <u>N.G. Gohad</u> C.P.O / P.O. for the Respondent/s <u>Admit.</u> <u>Ad. To. The R.A. shall come up for hearing in due course</u> <u>BTR</u></p>	<p><b>Date : 29.04.2016.</b></p> <p align="center"><b>R.A.No.07 of 2016 in O.A.No.1235 of 2009</b></p> <p><b>Shri S.T. Shinde</b> ..Applicant <b>Vs.</b> <b>The State of Maharashtra &amp; Ors.</b> ..Respondents</p> <p>1. Heard Shri V.P. Potbhare, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Admit. The Review Application shall come up for hearing in due course.</p> <p align="right">Sd/- <b>(A.H. Joshi)</b> Chairman</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>29/4/16</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member), A</p> <p>APPEARANCE: Shri/Smt. <u>M. D. Lonkar</u> Advocate for the Applicant. Shri/Smt. <u>N. G. Gohad</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>17/6/2016</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 29.04.2016.</p> <p style="text-align: center;"><u>C.A.No.26 of 2016 in O.A.No.684 of 2015</u></p> <p>Shri S.M. Gawade ...Applicant</p> <p style="text-align: center;">Vs.</p> <p>Shri Sanjay Jambhulkar ...Respondent</p> <p>1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents has tendered affidavit. It is taken on record.</p> <p>3. Adjourned to 17.06.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J) Chairman</p> <p>sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 29.04.2016.

O.A.No.375 of 2015

Shri V.N. Sonawane ...Applicant

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. has tendered affidavit. It is taken on record.

3. Learned Advocate prays for some time to serve the amended O.A. to the Respondents.

4. Learned P.O. for the Respondents states that reply to the amended O.A. can be filed only after service of amendment.

5. Reply be filed within four weeks after serving the copy of amended O.A.

6. Let the O.A. come up for hearing on 11.07.2016.

DATE: 29/4/16

CORAM:  
Hon'ble Justice Shri A. H. Joshi (Chairman)  
Hon'ble Shri M. Rameshkumar (Member)

APPEARANCE:  
Shri/Smt. : C. T. Chandratre

Advocate for the Applicant  
Shri /Smt. : A. J. Chougule  
C.P.O / P.O. for the Respondent/s

Adj. To Let the O.A. come up for hearing on 11/7/16.

sba

Sd/-  
A.H. Joshi  
Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 29.04.2016.

O.A.No.1253 of 2009

Shri A.A. Tikar & Ors. ...Applicants

Vs.

The State of Maharashtra & Ors. ...Respondents

1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows:-

(a) Though affidavit is received, it is not in proper format.

(b) Two weeks time to file proper affidavit-in reply, may be granted.

3. Time as prayed for is granted.

4. S.O. to 17.06.2016.

DATE: 29/4/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt. S.P. Manchekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

C.P.O / P.O. for the Respondent/s

Adj. To. 17/6/16

*[Handwritten signature]*

sba

*[Handwritten signature]*  
Sd/-  
(A.H. Joshi)  
Chairman

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>S.P. Dighe</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O / P.O. for the Respondent/s Adv. <u>R.P. Bhumkar for R. 4.</u> Adj. To <u>13/6/16</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p><b>Date : 29.04.2016.</b></p> <p style="text-align: center;"><b><u>O.A.No.215 of 2016</u></b></p> <p>Dr. Y.O. shirshetty ...Applicant Vs. The State of Maharashtra &amp; Ors. ...Respondents</p> <ol style="list-style-type: none"> <li>1. Heard Shri S.P. Dighe, the learned Advocate for the Applicant, Shri K.B. Bhise, the learned Presenting Officer for the Respondents and Shri R.P. Bhumkar, the learned Advocate for the Respondent No.4.</li> <li>2. Leaned Advocate for the Applicant states that the O.A. was substituted on 28.04.2016 and reply to amended O.A. is necessary.</li> <li>3. Issue notice returnable on 13.06.2016.</li> <li>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</li> <li>5. Applicant is authorised and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</li> <li>7. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced alongwith affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</li> <li>8. S.O. to 13.06.2016.</li> </ol> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</p> <p style="text-align: right;"><i>[Signature]</i></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s


(Advocate .....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 29/4/2016</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. : S.P. Manchekar Advocate for the Applicant Shri/Smt. : N.G. Gohad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To 24/6/2016</p> <p style="text-align: right;">B.K.</p>	<p>Date : 29.04.2016.</p> <p style="text-align: center;"><u>O.A.No.128 of 2016</u></p> <p>Shri U.M. Tirodkar .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents</p> <p>1. Heard Ms. S.P. Manchekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant prays for time to consider as to what types of appropriate relief to be prayed and to find out as to whether Section 47 of the Disabilities Act has a retrospective effect.</p> <p>3. S.O. to 24.06.2016.</p> <div style="text-align: right;">   Sd/-  (A.H. Joshi [J.])  Chairman </div> <p style="text-align: center;">sba</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate.....)

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramashkumar (Member) A</p> <p><b>APPEARANCE:</b> Shri/Smt. : <u>J. P. Kamble</u> Advocate for the Applicant Shri/Smt. : <u>A. J. Chougule</u> C.P.O./ P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>27/6/16</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p><b>Date : 29.04.2016.</b></p> <p style="text-align: center;"><b><u>O.A.No.91 2016</u></b></p> <p>Shri P.A. Kamble .....Applicant Vs. The State of Maharashtra &amp; Ors. ....Respondents</p> <p>1. Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents states that two weeks time may be granted for filing reply.</p> <p>3. Time as prayed for is granted.</p> <p>4. S.O. to 27.06.2016 for filing reply.</p> <p style="text-align: right;">Sd/- (A.H. Joshi J.) Chairman</p> <p>sba</p>



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 29.04.2016.

O.A.No.179 of 2016

Dr. S.A. Mahajan & Ors. ...Applicants

Vs.

The Principal Secretary, Public Health  
Department & Ors. ...Respondents

1. Heard Shri S.S. Dere, the learned Advocate holding for Shri G. Sadavarte, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 27.06.2016.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorised and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery/speed post/courier and acknowledgement be obtained and produced alongwith affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. S.O. to 27.06.2016.

Sd/-

(A.H. JOSHI, J.)  
Chairman

DATE: 29/4/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt. : S.S. Dere holding for  
G. Sadavarte  
Advocate for the Applicant

Shri/Smt. : N.G. Gohad  
C.P.O / P.O. for the Respondent/s

Adj. To: 27/6/16

h/e

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri B. K. Kulkarni (Member) A</p> <p><b>APPEARANCE:</b> Sd/Secy: <u>S.S. Dere holding for G. Sadavarte</u> Advocate for the Applicant: Shri/Smt: <u>N.G. Gohad</u> C.P.O / E.O. for the Respondent/s</p> <p>Adj. To: <u>MA disposed off accordingly</u> sba <u>HE</u></p>	<p><b>Date : 29.04.2016.</b></p> <p><b><u>M.A.No.78 of 2016 in O.A.No.179 of 2016</u></b></p> <p><b>Dr. S.A. Mahajan &amp; Ors. ...Applicants</b></p> <p><b>Vs.</b></p> <p><b>The Principal Secretary, Public Health Department &amp; Ors. ...Respondents</b></p> <ol style="list-style-type: none"> <li>1. Heard Shri S.S. Dere, the learned Advocate holding for Shri G. Sadavarte, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</li> <li>2. This is an application for leave to sue jointly.</li> <li>3. The cause pursued by the Applicants in the O.A. is common and concurrent.</li> <li>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</li> <li>5. M.A. disposed off accordingly.</li> </ol> <p style="text-align: right;">Sd/- <u>(A.H. JOSHI, J.)</u> Chairman</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s


(Advocate .....

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramashkumar (Member)-A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>Sherkhane holding for A.V. Bandiwadekar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>23/6/16</u></p> <p style="text-align: right;"><i>BT</i></p>	<p><b>Date : 29.04.2016.</b></p> <p style="text-align: center;"><b><u>O.A.No.185 of 2016</u></b></p> <p>Shri M.P. Sonawane ...Applicant</p> <p style="text-align: center;">Vs.</p> <p>The State of Maharashtra &amp;Ors. ...Respondents</p> <p>1. Heard Shri Sherkhane, the learned Advocate holding for Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents prays for week's time for filing reply, adjourned to 23.06.2016.</p> <p style="text-align: right;">   Sd/-  (A.H. Joshi/S.)  Chairman </p> <p>sb</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

Original Application No. 8 of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>29/4/16</u></p> <p><b>CORAM:</b> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Kamakhumbar (Member)-A</p> <p><b>APPEARANCE:</b> Shri/Smt. <u>P.S. Pathak</u> Advocate for the Applicant Shri/Smt. <u>N.G. Gohad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>11/7/16</u></p> <p style="text-align: right;"><i>BTE</i></p>	<p><b>Date : 29.04.2016.</b></p> <p style="text-align: center;"><b><u>O.A.No.52 of 2016</u></b></p> <p>Shri S.V. Varunjikar <span style="float: right;">...Applicant</span> Vs. The State of Maharashtra <span style="float: right;">...Respondent</span></p> <p>1. Heard Shri P.S. Pathak, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant has tendered rejoinder and he undertakes to serve the copy on the State and prays time for that purpose.</p> <p>3. S.O. to 11.07.2016.</p> <p style="text-align: right;">Sd/- (A.H. Joshi(J.) Chairman</p> <p>..sba</p>

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 29.04.2016.

O.A.No.120 of 2016

P.M. Jamadar ...Applicant

Vs.

Superintendent of Police, Sangli ...Respondent

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents prays for time for filing reply.

3. Crux of the matter what is the rule for placement of candidates in one batch are to be arrayed in their seniority list. Ordinarily the placement ought to be in order of merit list secured by the candidates or merit ranking given to the candidates in the process of selection, unless any other rules have to be shown to govern the situation.

4. Learned P.O. for the Respondents is directed to produce the record which shows the merit list in which the Applicant name was considered.

5. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

6. S.O. to 3.05.2016.

DATE: 29/4/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri M. Rameshkumar (Member)-A

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. A.J. Chougule

CEO/P.O. for the Respondent/s

Steno To 3/5/16 Hamdast &

steno copy allowed.

*[Handwritten signature]*

Sd/-

(A.H. Joshi, J.)  
Chairman [P.T.O.]

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO. 392 OF 2016

DISTRICT : Satara

Shri Dilip Dinkar Kamble

)...Applicant

VERSUS

State of Maharashtra & Ors.

)....Respondents

Shri B. Deshmukh, learned Advocate for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Hon'ble Chairman

DATE : 29.04. 2016.

ORDER

1. Heard Shri B. Deshmukh, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.
2. Admit.
3. Heard at length on the point of interim relief.
4. Applicant's claim is based on following facts:-
  - (a) By virtue of Government decision dated 30.09.2015 the Medical Officer serving in the pay scale of Rs.15600-39100 with grade pay of Rs.6600 and above shall be retired on attaining 60 years of age.
  - (b) Medical Officers in Group 'B' are now included in Group 'A'. Therefore Applicant should not be superannuated at 58 years of age.
  - (c) He is ought to be superannuated by impugned order dated 6.1.2016 w.e.f. 30.04.2016.
  - (d) The order of retirement is issued by the District Health Officer, Z.P. Satara.

2

- (e) Since the Applicant is absorbed in Government Service now, the D.H.O. has no powers to issue the order of retirement.

5. Points of facts which have surfaced after perusal of record, are summarised as below:-

- (a) Applicant's claim is that he is absorbed in Government Service pursuant to the Government decision dated 17<sup>th</sup> October, 2014.
- (b) Though the Applicant claims that he belongs to Medical Officer Group 'A', the absorption order dated 17.10.2014 shows that he was serving as Medical Officer Group 'B'.
- (c) It is evident from Exh. 'G' order dated 11.09.2014 page 38 that the Pay Scale of Rs.15600-39100 and grade pay of Rs.6600 is conferred upon the Applicant on account of Assured Career Progression scheme and not because the Applicant was appointed in Medical Officer Group 'A' category on certain conditions.
- (d) Condition No.4 of order dated 11.09.2014 Exh. 'G' states that though higher pay scale is given, applicant shall continue in Medical Officer Class-III in Grade-2 only.

6. It is thus evident that through the order of granting higher pay scale under assured career progression scheme, proves that the Applicant is serving in the category of Medical Officer Group 'B', and was absorbed in Government Service in said category only.

7. Though Applicant was absorbed in the employment of Government he was actually serving under the control of Z.P. Satara, and formal order of retirement had to be issued by his immediate superior as he was serving in Class-III category.

8. Conferment of pay in higher scale under A.C.P. does not upgrade class or category of Government Servant. By conferment of higher pay due to A.C.P., A Government Servant gets monetary consolation and not upgradation in status.


9. In the result Applicant is not entitled to be governed under the scheme had his age of superannuation extended upto 60 years, which decision is taken by the Government as an exception measure that for only 3 years and without applying to all

those who are serving in particular group and pay scale, or those who are working on posts in lower pedestal.

10. Impugned communication is a notice or intimation and not an order of retirement. Hence it cannot be said that the D.H.O. has ordered Applicant's superannuation.

11. Therefore Applicant is not entitled for granting of Interim relief.

12. The Original Application shall come up for hearing in due course.

  
Sd/-  
(A.H. JOSHI, Jy 2017)  
Chairman

sba