

O.A. St.No. 495/2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

**C.A. 78/2018 -**

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for  
R-1. Await service of R-2&3.

Service affidavit of R-2&3 is not  
filed.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 890/2017 (SB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri R.V. Shiralkar, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri A.K. Khadatkar, Id. P.O. for the respondents.

The learned P.O. submits that the reply-affidavits of other respondents are not necessary.

Since the pleadings are complete, the matter is admitted and be kept for final hearing.

The learned P.O. waives notice for the respondents.

**S.O. after four weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 115/2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri M.V. Mohokar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned counsel for the applicant submits that all the respondents have been served and he will file service affidavit to that effect.

The learned P.O. files reply-affidavit on behalf of R-3. It is taken on record. Copy is served on the applicant.

The learned P.O. seeks three weeks time to file reply-affidavit of other respondents. At his request, **S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 347/2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri M.A. Sable, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

**S.O. Next week.**

Put up along with O.A.394/2018.

**Vice Chairman (J)**

dnk.

O.A. No. 394/2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri M.A. Sable, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

**S.O. Next week.**

Put up along with O.A.347/2018.

**Vice Chairman (J)**

dnk.

O.A. No. 478/2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

None for the applicant.

Shri M.I. Khan, Id. P.O. for the  
respondents.

At the request of Id. P.O., **S.O. one  
week** for filing reply as a last chance.

**Vice Chairman (J)**

dnk.

O.A. Nos. 745 & 746 of 2018 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri A.I. Shah, learned counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**06/12/2018** for filing reply as a last chance.

**Vice Chairman (J)**

dnk.

O.A. No. 657/2015 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri A.I. Shah, Id. counsel holding  
for Shri A.C. Dharmadhikar, Id. counsel  
for the applicant and Shri M.I. Khan, Id.  
P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**19/12/2018.**

**Vice Chairman (J)**

dnk.



O.A. No. 742/2015 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

At the request of Id. counsel for the applicant, **S.O. 18/12/2018** as a last chance.

**Vice Chairman (J)**

dnk.

O.A. No. 743/2015 **(SB)**

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 30.11.2018**

Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 18/12/2018** as a last chance.

**Vice Chairman (J)**

dnk.

**O.A.No. 684/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

**C.A.No.256/2018:-**

Shri K.S.Malokar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The matter was heard on 03/10/2018, in which it were pointed out that some of the applicants was from Western Maharashtra and some are from Eastern Maharashtra. Now, the question is of Jurisdiction?

3. The Id. P.O. is requested to clarify in his affidavit-in-reply that who is not covered in this Jurisdiction.

4. Notice on C.A. to Respondent nos. 2 & 3 be issued returnable in **three weeks**.

5. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to

Tribunal and papers be consigned to record.

11. S.O. three weeks.

**Member(J)**  
**Member(A)**  
**Date:-30/11/2018.**  
aps.

O.A.No. 833/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri R.V.Shiralkar holding for Shri S.S.Ghate, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Shri C.N.Deshpande, the Id. counsel for the respondent no. 4.

The notices to respondent nos. 2 to 5 are yet to be served. However, the Id. counsel for the applicant seeks three weeks time to file service affidavit. **S.O. three weeks.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 833/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri R.V.Shiralkar holding for Shri S.S.Ghate, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Shri C.N.Deshpande, the Id. counsel for the respondent no. 4.

The notices to respondent nos. 2 to 5 are yet to be served. However, the Id. counsel for the applicant seeks three weeks time to file service affidavit. **S.O. three weeks.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 700/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Mrs.Ghatode, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. C.P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**



O.A.Nos. 705 to 708/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri A.S.Tiwari, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

At the request of Id. counsel for the applicant, **S.O. 18/12/2018.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 780/2018. (D.B.)

Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.

None for the applicant. Shri S.A.Deo,  
the Id. C.P.O. for the Respondents.

The Id. C.P.O. seeks three weeks  
time to file reply, S.O. three weeks.

Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.

O.A.No. 335/2011. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 3. None for the respondent no. 4.

On last date also nobody for the applicant. **Hence, the matter is dismissed in default.**

**Later on:-**

The Id. counsel for the applicant present and submits that due to some of the difficulties he is unable to present today and before dates.

As per his request, **S.O. Tuesday i.e. 04/12/2018.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 310/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri S.P.Palshikar, the Id. counsel for  
the applicant and Shri S.A.Deo, the Id. C.P.O.  
for the Respondents.

At the request of Id. counsel for the  
applicant, **S.O. 05/12/2018.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 926/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

The O.A. is premature. The Id. counsel for the applicant is directed to appear the appellate authority first and if, he is aggrieved by the order of Appellate Authority, he is at liberty to come with the fresh O.A. before Tribunal.

**Hence, the O.A. is disposed of with  
no order as to costs.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 188/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

None for the applicant. Shri H.K.Pande, the Id. P.O. for the Respondents.

The Id. P.O. submits that he has already filed reply. In view of this, matter is **admitted** and kept for final hearing in due course of time.

The Id. P.O. waives notices for the respondents.

**S.O. in due course.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.Nos. 459 & 503/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

The Id. P.O. submits that he has already filed reply. In view of this, matter is **admitted** and kept for final hearing.

The Id. P.O. waives notices for the respondents.

**S.O. 17/12/2018.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

O.A.No. 866/2012. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Heard Ms. K.K.Pathak, the Id.  
counsel for the applicant and Shri  
A.M.Ghogre, the Id. P.O. for the  
Respondents.

**Closed for orders.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**



O.A.No. 151/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 30<sup>th</sup> November 2018.**

Shri A.K.Tripathi holding for Shri A.S.Deshpande, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

The pleadings are completed. Hence, the matter is **admitted** and kept for final hearing.

The Id. P.O. waives notices for the respondents.

**S.O. 07/12/2018.**

**Member(J)  
Member(A)  
Date:-30/11/2018.  
aps.**

**O.A.No. 746/2011. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 30<sup>th</sup> November 2018.**

Shri A.M.Kukday, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

The matter was heard in MAT earlier in O.A. No. 575/2000, in which order was passed on 10/08/2009, the operative part of the order is at P.B., Pg. No. 72:-

*“The Respondent no. 3 may take decision about grant of medical leave and continuation of service to the applicant.”*

In view of above wordings, the interpretation has been done by Controlling Officers that applicant has been appointed afresh from the date of his joining. However, the Id. counsel for the applicant submits that since the order was quashed and applicant was reinstated, so he should be given continuation of service from the date of appointment i.e. 15/11/1999.

He seeks time to explain about the legal meaning of reinstatement, for this he seeks two weeks time.

**S.O. two weeks.**

**Matter to be treated as P.H.**

**Member(J)**  
**Member(A)**  
**Date:-30/11/2018.**  
aps.

**O.A.No. 896/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 30<sup>th</sup> November 2018.**

Heard Shri Jibhkate, the Id. counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 to 3. None for the respondent no. 4. Shri R.S.Khobragade, the Id. counsel for the respondent no. 5.

The applicant is a Medical officer (B.A.M.S.) and he was selected by District Selection Committee. He is due for retirement on superannuation on 30/11/2018 after attaining the age of 58 yrs. The matter was heard yesterday and day before yesterday in detailed. The Id. counsel for the applicant mainly relied on G.R. No. I vkj0gh&1018@1644@i7dz2@99@ckjk] dated 02/07/2002. However, the Id. C.P.O. has pointed out G.R. No. I okfu1815@i7dz 216@I ok2] dated 30/05/2015, in this G.R., it is mentioned that :-

“rI p egkj k'V<sup>3</sup> oS] dh; vkjkk; I ok] xV v e/Ahy ftYgk “AY; fpdtrI d] ftYgk vkjkk; vf/Ackjh] fo”ksAK o oS] dh; vf/Ackjh] %M oru : 5400 o R; kojhy½ i nokjhy ts vf/Ackjh fu; r o; kekukud] kj fr-

31-05-2015 jksth l okfuorR gkr vkgs v"kk l kcrP; k ; knh dz1 o 2 e/Ahy 13 ojh' B o 28 oS| dh; vf/Ack&; kph fn- 31-5-2015 jksth tjh o; kph 58 o' kã iwAZ gkr vl yh rjh R; kãk fnukãd- 31-5-2015 jksth l okfuorR u djrk R; kã; k ckcrhp ea=heMGkl ekj o; ok<fo.; kckcrpk i Lrko l knj dj.; kP; k vVhP; k v/Ahu jkgw l okfuorR hps o; 58 o: u 60 o' kã dj.; kpk "kkl ukusfu.Az ?Ar-yk vkgs"

Admittedly, the applicant is included in Group – B from Group – C Category vide G.R. No. l wkl &2014@izdz 169@l ok&1] dated 17/10/2014 and as per his service book at P.B., Pg. No. 23 (Annexure-A-3) he was given vk" okfl r ixfr ; kstuk as per vk" okfl r ixfr ; kstuk he has been given the pay scale of 15600-39100 with Grade Pay 5400. The similar matters are heard by Hon'ble High Court Mumbai, bench at Nagpur and Hon'ble High Court Mumbai, Bench at Aurangabad in Para no. 3 it is mentioned that:-

*"The Judgment of Division Bench Nagpur Dated 05/03/2018, in Writ Petition No. 6757/2017, relied by the petitioners may not be of any avail to the petitioners. In the said writ petition, the Judgment of the Tribunal was challenged which was basically on the*

*Government Resolution dated 30<sup>th</sup> May, 2015. "*

The Id. C.P.O. while filing reply has also submitted communication from Deputy Secretary, Finance Department letter No. I dth.k

1014 @izdz53@I dk 9] dated 20/05/2015 at P.B., Pg. No. 73, in which it is it has been mentioned:-

"I nHAKZkhu i=kP;k vuqkackus vki.kkI dGfo.;kr ;rs dh] I k-vk-fo-P;k fnukad 28@05@2001 o 17@10@2014 P;k "kkI u fu.Az kWo;s ftY;k ifj'knadMhy os] dh; vf/Adkjh ¼rf=d½ xV d ;kps xV c e/s I ekos' ku >kys vkgs R;keGs R;kuk : 15600&39100+5400 gh orul j'puk vuKs Bjr ukgh gh /Akj .Ak i Ddh dj .; kr ;r vkgs"

By this above paragraph it has been clarified that Group-B Doctors of Zilla Parishad are not equivalent to Group – A Doctors. The Id. counsel for the respondent no. 5 also submitted one G.R. No. I dkfu

1518@izdz168@l ok&2] dated 21/08/2018 , in this G.R. it is mentioned that:-

“I koZtfud vkjkk; foHAKxkrhy vkjkk; I ok I pyuky; krhy egkjk'V<sup>a</sup> oSj dh; o vkjkk; I ok] xV&v e/Ahy oSj dh; vf/Adkjh %orucM : 15600 & 39100 xM is : 5400½ o ftYgk ' 'kY; fpdfRI d ftYgk vkjkk; vf/Adkjh o fo'k'kK I oxZ %orucM : 15600 & 39100 xM is : 6600½ e/Ahy ins o fj' B ins %orucM : 15600 & 39100 xM is : 6600 ojhy½ o jkT; dkexkj foek ; ksturhy egkjk'V<sup>a</sup> oSj dh; foek I ok] xV v %orucM : 15600 & 39100 xM is : 5400 o R; kojhy I o½ oSj dh; vf/Adk&; kps I okfuorhps o; 58 o'kkb; u 60 o'kkb; ;r ok<fo.; kpk “kkI ukus fu.Az ?Aryk vkgs I nj fu.kz fn-31-5-2018 ikl u iwZy{Ah iHkokus ikp o'kkb; kbh/fn-31-5-2023 i; ;r½ ykxw jkghy-ek= orucM : 15600&39100 xM oru : 5400 o R; kgu vf/Ad xM oru ?Ask&; k vkjkk; I ok I pyuky; o jkT; dkexkj foek ; ksturhy oSj dh; vf/Adkjh %xV v½ o fj' B inkjhy vf/Adkjh oxGrk vl; vf/Adk&; kpk gk “kkI u fu.Az ykxw jkg. Akj ulgh-”

It is clearly mentioned that Group A Medical Officers pay band is 15600-39100 & G.P. 5400 are only eligible for extension of retirement age from 58 yrs to 60 yrs. It is also mentioned in the last line that this G.R. will be applicable only to Group-A Officers and above this level. It will not be applicable to any other officers.

After reading Judgment in writ petition No. 2562/2017 decided on 16/04/2018 by Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad, it appears that the Hon'ble High Court after considering the Judgment in writ petition no. 6757/2017 observed that the Government G.R. dated 17/10/2014 was not brought to the notice of the Tribunal. Similarly the Hon'ble Division Bench Bombay High Court, Bench at

Aurangabad in para no. 4 of the order observed that the Tribunal in the order did not discuss or refer the G.R. dated 17/10/2014 nor considered the Maharashtra Medical and Health Services Group-A Recruitment Rules 2000 as amended on 18/07/2013 and therefore, the Judgment delivered by MAT at Aurangabad was set aside and matter was remanded. It is further appears that in writ petition no. 4523/2017 dated 05/07/2018 the Hon'ble Division Bench Mumbai High Court, Mumbai followed the same course



while dealing with the same matters, as decided by the D.B. of Bombay High Court, Bench at Aurangabad,. In that matter the interim relief was refused. In view this background it is not suitable to draw inference at interim stage that the applicant is Group-A officer, this requires examination of GR Dt/ 17-10-2014 and the Maharashtra Medical and Health Services Group-A Recruitment Rules 2000 as amended on 18/07/2013, as per the direction issued by the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad.

In view of these facts, it is not possible to grant any interim relief at this stage. However, if any policy change takes place the applicant may get that benefit accordingly.

The similar matter has been remanded back by Hon'ble High Court Mumbai Bench to Principle Bench MAT, Mumbai and Hon'ble High Court Mumbai, Bench at Aurangabad to MAT, Aurangabad Bench.

In view of the above, **S.O. Eight Weeks.**

**Member(J)**  
**Member(A)**  
**Date:-30/11/2018.**  
aps.

**O.A.No. 722/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 30<sup>th</sup> November 2018.**

Shri A.A.Syed, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. counsel for the applicant submits that notices has been served to the respondent nos. 2 and 5. However, for respondent nos. 3 and 4, reissue the notice. After filing service affidavit, matter will be heard.

3. Issue notice to R-3 & 4, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice

that the case would be taken up for final disposal at the stage of admission hearing.

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.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. two weeks.**

**Member(J)**

**Member(A)**

**Date:-30/11/2018.**

aps.

