

C.P. No. 51/2018 in O.A. No. 356/2015. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

C.P. No. 51/2018.

Heard Shri P.A. Kadu, learned Advocate for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

Learned Advocate for the applicant states that contempt has been purged and prays that the C.A. be disposed. Hence, present C.A. is disposed.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

C.P. No. 52/2018 in O.A. No. 206/2016. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

**C.A. No. 33/2019 in C.P. No. 52/2018 for
amendment.**

1. Heard Shri V.B. Bhise, learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondents.
2. In the interest of justice application for amendment is allowed and applicant is allowed to amend C.A. as shown in present C.A.
3. Amendment be carried out within one week.
4. Notice after amendment returnable on 7.3.2019.
5. Shri M.I. Khan, learned P.O. waives notice for the 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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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 affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **seven 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 **7.3.2019.**

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.
pdg.

C.P. No. 20/2017 in O.A. No. 376/2007. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 28th January 2019.**

C.P. No. 20/2017.

There is a leave note from Shri N.R. Saboo, learned Advocate for the applicants. Shri H.K. Pande, learned P.O. for the respondents.

S.O to 29.1.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

C.P. No. 37/2018 in O.A.No. 173/2006. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 28th January 2019.**

C.P. No. 37/2018.

Heard Shri R.V. Shiralkar, learned
Advocate for the applicant and Shri learned
P.O. for the respondents.

At the request of the learned Advocate
for the applicant, S.O to

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

C.P. No. 39/2018 in O.A. No. 85/2017. (D.B.)

**Coram : Justice A.H. Joshi,
Chairman.
Dated : 28th January 2019.
C.P. No. 39/2018.**

Heard Shri D.N. Mathur, learned Advocate for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

Learned Advocate for the applicant states that now though belatedly the Government has decided applicant's eligibility adverse to applicant and now applicant shall have to challenge the decision dated 25.1.2019. Hence, learned Advocate prays for disposal of present C.A. with liberty to challenge independently. C.A. is disposed with liberty

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 148/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

1. Heard Shri S.M. Vaishnav, Adv. holding for Shri P.P. Thakre, learned Advocate for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.
2. Learned Advocate for the applicants prays for a week's time for filing rejoinder.
3. Time as prayed is granted.
4. S.O to 20.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 767/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri N.S. Bhelkar, learned
Advocate for the applicant and Shri learned
P.O. for the respondents.

At the request of the learned Advocate
for the applicant, S.O to

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 725/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

1. Heard Shri R.V. Shiralkar, learned Advocate for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.
2. Learned P.O. prays for time for filing reply.
3. Since applicant would retire on 31.1.2019, his superannuation shall be subject to outcome of O.A.

S.O to 5.3.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 332/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.s

C.A. No. 37/2019.

Heard Shri S.M. Vaishnav, learned Advocate for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

At the request of the learned Advocate for the applicant, S.O to 4.2.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 478/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri M.R. Khan, learned Advocate
for the applicant and Shri learned P.O. for the
respondents.

At the request of the learned Advocate
for the applicant, S.O to

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 44/2019.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri G.G. Bade, learned Advocate
for the applicant and Shri A.M. Ghogre,
learned P.O. for the respondents.

Closed for orders.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 424/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri M.V. Joshi, learned Advocate for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondent Nos. 1 to 4. Shri N.D. Thombre, the learned Advocate for R. 5 & 6.

At the request of the learned Advocate for the applicant, S.O to 15.3.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 726/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri M.V. Joshi, learned Advocate for the applicant and Shri S.A. Sainis, learned P.O. for the respondent Nos. 1 to 3 & 5. Shri N.D. Thombre, the learned Advocate for R. 9. None for R. 4 and 6 to 8.

At the request of the learned Advocate for the applicant, S.O to 15.3.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 478/2018.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

Heard Shri M.R. Khan, learned Advocate
for the applicant and Shri P.N. Warjekar,
learned P.O. for the respondents.

Closed for orders.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No. 45/2019.

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

1. Heard Shri S.S.Nimbalkar, the applicant is present person and Shri A.M. Ghogre, learned P.O. for the respondent No.1.
2. Issue notice to R.2 returnable on 12.3.2019.
3. Shri A.M. Ghogre, learned P.O. waives notice for the respondent No.1. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. 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 within **seven days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. 12.3.2019.

10. It shall not be necessary to file an affidavit if suspension is revoked and decision as regards period of suspension is taken.

11. It shall also be necessary for the State to make a statement, if Govt. contemplates to initiate departmental enquiry against the applicant.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

C.P. No. 37/2018 in O.A. No. 173/2006.
(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**
Dated : 28th January 2019.

1. Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.
2. Reply affidavit is filed on behalf of R. 2 and 3, it is taken on record and its copy is supplied to the Ld. counsel for the applicant.
3. S.O. 29.1.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A. No.767/2018

(S.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 28th January 2019.

1. Heard Shri N.S. Bhelkar, the learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. P.O. is directed to secure instructions and make statement on following points:-

(a) When is review of suspension likely ?

(b) What is the stage of investigation in ACR Trap case and is chargesheet likely to be filed ?

3. S.O. 29.1.2019.

(Justice A.H. Joshi)
Chairman

Dt.28.1.2019.

pdg.

O.A.No. 873/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri D.T.Shinde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. counsel for the applicant filed the Judgment of MAT, Nagpur in O.A.699/2012 delivered on 06/11/2018. It is taken on record. Copy is supplied to the other side.

The Id. P.O. seeks one week time to take instructions. **S.O. one week.**

**Member(J)
Date:-28/01/2019.
aps.**

Member(A)

O.A.Nos. 919, 921/ 2017 & 83/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

C.A.Nos.413, 414 & 415/2018:-

Shri S.R.Deshpande, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 3. Await service of respondent nos. 2, 4 & 5 in O.A. Nos. 919 & 921/2017. Await service of respondent nos. 2, 4 to 9 in O.A.No. 83/2018.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. Copy is supplied to the other side.

The Id. counsel for the applicant wants to delete the name of respondent nos. 4 & 5 in O.A.Nos. 919 & 921/2017 & delete the name of respondent nos. 4 to 9 in O.A.No. 83/2019. He his permitted to do the same today itself. **Hence the C.A. Nos.413, 414 & 415/2018 is allowed.**

S.O. two weeks.

Member(J)

Member(A)

Date:-28/01/2019.

O.A.Nos.320,321,322,323,324&764/18D.B.

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 28th January 2019.

C.A.Nos.416,417,418,419,420& 421/2018:-

Shri S.R.Deshpande, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent no. 1. Await service of respondent nos. 2 to 5 in O.A. Nos. 320, 321, 322 & 764/2018. Await service of respondent nos. 2 to 9 in O.A.Nos. 323 & 324/2018.

The Id. counsel for the applicant wants to delete the name of respondent nos. 4 & 5 in O.A.Nos. 320, 321, 322 & 764/2018 & delete the name of respondent nos. 4 to 9 in O.A.Nos. 323 & 324/2019. He his permitted to do the same today itself. **Hence the C.A. Nos.416, 417, 418, 419, 420 & 421/2018 is allowed.**

S.O. two weeks.

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 42/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 28th January 2019.**

Shri N.R.Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. counsel for the applicant is directed to place on record initial appointment order.

3. At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 29/01/2019.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 1011/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

None for the applicant. Shri
V.A.Kulkarni, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four
weeks for reply.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 39/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri Zibhkate, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 29/01/2019.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 843/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri Joshi holding for Shri Wathore, the
Id. Counsel for the applicant and Shri
A.M.Khadatkar, the Id. P.O. for the
respondents.

2. At the request of Id. Counsel for the
applicant, **S.O. day after tomorrow i.e.
30/01/2019.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 113/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri P.S.Sahare, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**
04/02/2019.

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 494/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. submits that because of shifting of office, he could not get the records as per the order dated 08/01/2019. He desires one more week.

3. At his request, **S.O. two weeks.**

**Member(J)
Date:-28/01/2019.
aps.**

Member(A)

O.A.Nos. 203, 204 & 205/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. Counsel for the applicant filed the Government Resolution no. [I dt. 2015@i dt 90@b&7](#) fnd 02-09-2016 by which Government has given procedures regarding the grievances of the applicant.

3. Respondents are directed to follow the procedure and take necessary action **within four months** from the date of this order.

4. With above directions, **O.As. are disposed of with no order as to costs.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 32/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

Shri S.Borkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**
12/02/2019.

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 41/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 28th January 2019.

Shri M.R.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 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.

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 along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. 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.

8. **S.O. four weeks.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 41/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 28th January 2019.

Shri M.R.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 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.

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 along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. 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.

8. **S.O. four weeks.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 793/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

C.A.No.34/2019:-

Shri S.S.Ghate, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant has filed the C.A.No.34/2019 along with the C.A. he has filed the Government Letter No. [\[dh.A2018@i:d:194@18@i:1&5 \]](#) fnukd 14-01-2019- Respondents are directed to follow the procedure as directed by Government Letter No. [\[dh.A2018@i:d:194@18@i:1&5 \]](#) fnukd 14-01-2019, expeditiously.

With the above directions, **O.A. along with the C.A. are disposed of with no order as to costs.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 515/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 28th January 2019.

C.A.No.32/2019:-

Shri N.D.Thombre, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondent nos. 1 to 3. None for the respondent nos. 4 to 10.

The matter relates to the G.A.D. circular dated 06/06/2017 on P.B., Pg. No. 39. The Id. Counsel for the applicant filed the letter no. tk-dz&4@vklFk@inkSurh@ox&3@1744@19] fnukd 18-01-2019 as Annexure-A-1, P.B., Pg. No. 8.

Respondents are directed not to make any promotion with reference to correspondence letter no. tk-dz&4@vklFk@inkSurh@ox&3@1744@19] fnukd 18-01-2019 as Annexure-A-1, P.B., Pg. No. 8 till filing of the reply.

S.O. two weeks.

Steno copy is granted.

Member(J)
Date:-28/01/2019.
aps.

Member(A)

O.A.No. 202/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 28th January 2019.**

Shri S.R.Sarda, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. Copy is supplied to the other side.

The Id. Counsel for the applicant requested for time. At his request, **S.O. two weeks.**

Member(J)
Date:-28/01/2019.
aps.

Member(A)

Rev.A.15/2018 in O.A.No.974/2017 **(SB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A).**

Dated : 28.01.2019

Heard Shri N.S. Warulkar, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. On the earlier occasion when the matter was heard on 21/01/2019, it was pointed out that in similar situation other persons were paid higher pension. Accordingly, the learned P.O. was directed to take necessary instructions from the Accountant General, Nagpur. Today again the learned counsel for the applicant has submitted one more name of Shri Gautam S. Thulkar. In the similar situation Mr. Gautam S. Thulkar has been also paid pension of amount Rs.6970/-. The learned P.O. is requested to take necessary instructions from the Accountant General, Nagpur regarding Shri G.S. Thulkar's pension also. The learned P.O. has placed on record the letter of Accountant General, Nagpur dated 28/01/2019 which is taken on record and marked Exh-X for the purposes of identification. Copy of the same is supplied to the learned counsel for the

applicant. The Accountant General, Nagpur has requested for more one week to verify the documents. Time is granted as prayed for.

S.O. one week.

Member (A)

Dnk.

O.A. No.09/2019 (D.B.)

**(Dr. Anil S/o Ramdas Raipure Vs.
State of Maharashtra & 3 ors.)**

**Coram :- Shri Shree Bhagwan,
Member (A) and
Shri A.D. Karanjkar,
Member (J).**

Dated :- 28/01/2019.

ORDER

Per : Member (J).

Heard Shri J.S.

Deshmukh, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the State.

2. The submission of the applicant is that the applicant, after completion of BAMS Graduation was initially appointed as Extension Officer (Health) in the District Technical cadre Group-C under Zilla Parishad, Chandrapur. Lateron the applicant came to be absorbed in Group-B

Medical Officer. It is submitted that time to time the Pay Commissions were made applicable to the applicant and the applicant was drawing salary in the pay band admissible to Group A medical officer. It is submission of the applicant that as per the Government G.R. dated 17/07/1996 and the Recruitment Rules the applicant acquired the status of Group-A Medical Officer and he was drawing the salary in the pay scale of Rs.15,600-39,100/-

3. It is contention of the applicant that the Government of Maharashtra issued Government G.R. in the year 2015 and again on 29/08/2018, as there was scarcity of the Medical Officers in Group-A and decided to extend the retirement age of the Group-A Medical Officers from

58 years to 60 years. It is submitted that the applicant is working since last 20 years as Group-A Medical Officer, therefore, he is also entitled to have benefit of this scheme formulated by the Government of Maharashtra. It is grievance of the applicant that instead of giving him benefit of this G.R., he was informed that he would retire on attaining the age of superannuation on 31/01/2019.

4. In support of the contention the applicant has placed on record the Recruitment Rules, the G.Rs. issued in 2015 and 2018, similarly the G.R. issued in 1996 is also placed on record.

5. It is submitted that in O.A.No. 42/2016 similar matter was before the Division Bench of MAT, Bench at Nagpur and relief was

granted to that applicant, later on the order passed by the MAT was challenged before the Hon'ble Bombay High Court, Division Bench at Nagpur and by the Judgment dated 05/03/2018 the Hon'ble Division Bench confirmed the order passed by this Bench in O.A.No.42/2016. It is further submitted that in O.A.St.No.3074/2018 decided on 28/12/2018 the Hon'ble Chairman has granted relief in similar case, so also in O.A.Nos. 485/2015 & Ors., decided on 23/01/2019 in similar situation same relief was granted. On the basis of this material it is submitted that the respondents be restrained from relieving the applicant from service on superannuation w.e.f. 31/01/2019.

6. We have heard submissions on behalf of the

respondents. The learned P.O. submitted that while deciding the O.A.No. 896/2018 the MAT, Bench at Nagpur has passed the order on 30/11/2018 and it was held that merely because Doctor is drawing a salary in a pay scale admissible to Group-A Medical Officer cannot acquire the status of Group-A Medical Officer. It is further submitted that while deciding that matter this Bench has placed reliance on the Judgment delivered by the Hon'ble Bombay High Court, Division Bench at Aurangabad in Writ Petition No.2562/2017 and it was held that merely because person is drawing the salary this does not mean that he has acquired a status of Group-A Officer. It is submitted that merely because the applicant is drawing salary

admissible to Group-A Medical Officer, this is not sufficient to accept that the applicant is Group-A Medical Officer and he is also entitled for the benefit of the G.Rs. issued in 2015 and 2018, therefore, there is no substance in the claim and interim relief be refused.

7. After hearing the submissions canvass on behalf of the applicant and the respondents, we would like to make it clear that when the O.A.No. 896/2018 was decided this Bench had occasion to consider the Judgment delivered by the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad in Writ Petition No.2562/2017 in case of **Dr. Prakash Genu Kamble & Ors.** **Vs. State of Maharashtra & Ors.** It seems that while deciding the earlier

O.A., the Division Bench Judgment delivered by the Hon'ble Bombay High Court, Bench at Aurangabad was not before Division Bench MAT Nagpur. Here we would like to consider that in Writ Petition No.6758/2017 the Hon'ble Division Bench of Bombay High Court, Bench at Nagpur confirmed the order passed by the MAT Division Bench, Nagpur, but when this matter came before the the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad it was observed that "in the present case, the petitioners are absorbed pursuant to the Government Resolution dated 17th October,2014, in Group-B. The O.As. are filed by the applicants in the year 2010 & 2015. The Tribunal in the order has nowhere referred to or

discussed the G.R. dated 17/10/2014 nor has considered the Medical Officers in the Maharashtra Medical and Health Services, Group-A (Recruitment) Rules,2000 and as amended on 18th July,2013. These rules would be relevant to be considered while coming to the conclusion as to whether the petitioners would be considered in Group-A”.

8. Thus it seems that while deciding the previous O.As. the G.R. dated 17/10/2014, similarly the Maharashtra Medical and Health Services, Group-A Recruitment Rules,2000 were not considered and consequently the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad did not place reliance

on the Judgment delivered in Writ Petition No.6757/2017.

9. In addition, when the O.A.No.896/2018 was decided the letter dated 20/05/2015 written by the Under Secretary, Finance Department, Government of Maharashtra to the Deputy Director, Directorate of Accountants and Treasury was placed on record. In that letter it was made clear that as per the Government G.Rs. dated 28/05/2001 and 17/10/2014, though the Medical Officers serving under Group-C & B were drawing the salary in the scale of Rs.15,600-39,100 + GP Rs.5400/- but they were not entitled to that pay band. It was clear that only for granting relief of **APS** the salary in that pay band could given to such officer. Thus after reading this,

it seems that merely because the Group-C or Group-B Medical Officers who are drawing the salary in the pay scale of Rs. 15,600-39,100+ GP Rs.5400 have not acquired the status of Group-A Medical Officer. Even after going through the Recruitment Rules, it appears that there must be specific absorption order passed by the Government to absorb the Group-B Medical Officer in Group-A. In the present case the applicant is unable to point out that at any time his name was recommended by the MPSC to the Government of Maharashtra for his absorption as Group-A Medical Officer. After reading the G.Rs. dated 13/06/2015 and 29/08/2018 it appears that the Government of Maharashtra decided to extend the age of retirement of the Medical Officers in

Group-A who were drawing salary in pay band of Rs. 15,600-39,100+ GP Rs.5400. In this G.R. it is specifically mentioned that District Civil Surgeon, District Health Officer, the Medical Specialist and other higher posts who were drawing the salary in the pay band, they would stand retire on attaining age of 60 years. After reading this G.R. dated 29/08/2018 it is clear that it was intention of the Government to extend this benefit to the Officers Civil Surgeon, District Health Officer, the Specialist Medical Officers and other higher posts in that pay band, similarly same relief was given to the Medical Officers on the establishment of State Labour Insurance Scheme, Group-A. In view of this material, we would like to examine the Judgment delivered by

the Hon'ble Chairman in O.A.St.No.3074/2018 on 28/12/2018 and the Judgment delivered by the Division Bench of MAT Bench at Aurangabad in O.A.No.485/2015 on 23/01/2019. It appears that the Judgment delivered by the Hon'ble High Court, Bench at Aurangabad in Writ Petition No.2562/2017 was not brought to the notice. Similarly the letter dated 20/05/2015 written by the Under Secretary, Finance Department to the Deputy Director, Directorate of Accounts and Treasury was not shown to the respective Benches. In view of this, we are compelled to say that no prima facie case is established to extend the benefits to the applicant at the interim stage. We would like to point out that this application can be decided expeditiously on merits and

the applicant may produce all relevant material and evidence to establish his case and if the applicant succeeds in establishing the case, he would receive the monetary benefits for his premature retirement. In the result, in our opinion it is not a fit case to grant interim relief. Hence, prayer for interim relief stands rejected.

10. Issue notice to R-2 to 4, returnable on **27-02-2019**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

12. 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.

13. 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.

14. 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.

15. 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.

16. **S.O. 27-02-2019.**

Member(J).
Member (A).

Dated :- 28/01/2019.

*dnk.