

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

COMMON ORDER IN O.A. NOS. 262/2018, 266/2018
AND 532/2019

(1) ORIGINAL APPLICATION NO. 262 OF 2018

DISTRICT : - PARBHANI

Dr. Sanjiv s/o Kishanrao Munde,)
Age - 60 years, Occu. : Service,)
As Medical Officer, Civil Hospital,)
Parbhani,)
R/o C/o Civil Hospital, Parbhani,)
Taluka and District Parbhani.) -- **APPLICANT**

V E R S U S

- 1. The State of Maharashtra,**)
Through the Principal Secretary,)
Medical Education & Drugs Dept.,)
Mantralaya, Mumbai.)
- 2. The Deputy Director of Health)
Services, Aurangabad Region,)
Aurangabad.)**
- 3. The Civil Surgeon,**)
Civil Hospital, Parbhani.)
- 4. Chief Administrative Officer,**)
Civil Hospital, Parbhani,)
District - Parbhani.) -- **RESPONDENTS**

W I T H

(2) ORIGINAL APPLICATION NO. 266 OF 2018

DISTRICT : - PARBHANI

Dr. Sandeep s/o Jaikumar Kala,)
Age - 47 years, Occu. : Service,)
as Medical Officer, Civil Hospital,)
Parbhani,)
R/o C/o Civil Hospital, Parbhani,)
Taluka and District Parbhani.) -- **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through the Principal Secretary,)
Medical Education & Drugs Dept.,)
Mantralaya, Mumbai.)
2. **The Deputy Director of Health**)
Services, Aurangabad Region,)
Aurangabad.)
3. **The Civil Surgeon,**)
Civil Hospital, Parbhani.)
4. **Chief Administrative Officer,**)
Civil Hospital, Parbhani,)
District - Parbhani.) -- **RESPONDENTS**

WITH

(3) ORIGINAL APPLICATION NO. 532 OF 2019
DISTRICT : - PARBHANI

1. **Dr. Ravi s/o Ramakant Kulkarni,**)
Age - 51 years,)
Occu. : Retired Govt. Servant)
R/o Pranav Pathalogy Laboratory,)
Station Road, Parbhani,)
Tq. & Dist. Parbhani .)
2. **Dr. Ramesh S/o Mukundrao Kanakdande,**)
Age - 62 years,)
Occu. : Retired Govt. Servant)
R/o Pranav Pathalogy Laboratory,)
Station Road, Parbhani,)
Tq. & Dist. Parbhani .) -- **APPLICANTS**

V E R S U S

1. **The State of Maharashtra,**)
Through the Principal Secretary,)
Public Health Department,)
10th floor, G.T. Hospital Compound,))
Mantralaya, Mumbai 400 032.)
2. **The Director**)
Public Health Services,)
Arogya Bhavan, Saint George)
Hospital, M.S., Mumbai -400 001.)
3. **The Deputy Director of Health**)
Services, Aurangabad Region,)
Aurangabad – 431 001.)
3. **The Civil Surgeon,**)
Civil Hospital, Parbhani,)
Dist. Parbhani 431 401.) -- **RESPONDENTS**

APPEARANCE : Shamsundar B. Patil, learned Advocate
for the applicants in all these cases.

: S/shri B.S. Deokar, I.S. Thorat & Smt.
Deepali S. Deshpande, learned
Presenting Officers for the respondent
in respective cases.

CORAM : **V.D. DONGRE, MEMBER (J)**
AND
BIJAY KUMAR, MEMBER (A)

DATE : **30.06.2021**

PER : **V.D. DONGRE, MEMBER (J)**

ORDER

Heard Shri Shamsundar B. Patil, learned Advocate for the applicants in all the cases and S/shri B.S. Deokar, I.S. Thorat & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents in respective cases.

2. Learned Advocate for the applicants has filed a copy of Government Resolution dated 03.05.2021 in all the cases and the same is taken on record and marked as document 'X' for the purpose of identification.

ORIGINAL APPLICATION NO. 262 OF 2018

3. The Original Application No. 262/2018 is filed by the applicant for the following reliefs :-

“A. This Original Application may kindly be allowed.

B. The order dated 20.2.2018 issued by the Civil Surgeon, Civil Hospital, Parbhani thereby making refixation of the pay of the applicant and the order dated 20.4.2018 issued by the Chief Administrative Officer, Civil Hospital, Parbhani thereby directing to recover a sum of Rs. 2,64,414/- from the pensionary benefits of the applicant may kindly be quashed and set aside.”

4. The applicant in O.A. No. 262/2018 has passed M.B.B.S. on 31.5.1983. Thereafter he has completed D.G.O. Diploma course in December, 1993. He was initially appointed as a Medical Officer on ad-hoc basis on 6.1.1984. Thereafter upon his selection by the M.P.S.C. he was appointed by the Government on the post of Medical Officer-Class-II. Thereafter, on 1.9.2013 the applicant was promoted as a Medical Officer Class-I (Gynecologist) in the cadre of Maharashtra Medical and Health Services Class-I.

ORIGINAL APPLICATION NO. 266 OF 2018

5. The Original Application No. 266/2018 is filed by the applicant for the following reliefs :-

“A. This Original Application may kindly be allowed.

B. The order dated 20.1.2018 issued by the Civil Surgeon, Civil Hospital, Parbhani thereby making refixation of the pay of the applicant and the order dated 18.4.2018 issued by the Chief Administrative Officer, Civil Hospital, Parbhani thereby directing to recover a sum of Rs. 5,33,899/- from the monthly salary of the applicant by monthly installments of Rs. 11,122/- and last installment of Rs. 11,165/- may kindly be quashed and set aside. ”

6. The applicant in O.A. No. 266/2018 has passed his M.B.B.S. degree in the year 1994 and thereafter he was initially appointed as a Medical Officer on ad-hoc basis in December, 1995. Thereafter in July, 1998 he was selected by the M.P.S.C. as a Medical Officer-Class-II. Thereafter, while in service the applicant was selected for post graduate study and he has completed the post graduate in Medicine in the year 2006.

ORIGINAL APPLICATION NO. 532 OF 2019

7. The Original Application No. 532/2019 is filed by the applicants for the following reliefs :-

- “A. This Original Application may kindly be allowed thereby quashing and setting aside impugned prescription in paragraph No. 2 of Government Resolution dated 20.8.2014 issued by the respondent No. 1.*
- B. This Original Application may kindly be allowed thereby directing the Respondents to make applicable benefits introduced vide Government Resolution dated 20.8.2014 with retrospective effect from 14.12.2011.*
- C. This Original Application may kindly be allowed thereby directing the respondents to extent all the consequential benefits to which they would all become entitled in view of grant of Prayer Clause (A) and (B) in their favour.”*

8. The applicant No. 1 in O.A. No. 532/2019 has passed M.B.B.S. degree in the year 1989. Thereafter he has completed his post graduation in M.D. (Pathology) in the year 1992. He was initially appointed by the respondents as a Medical Officer on ad-hoc basis by the order dated 10.6.1993 for the period 2 years. The said ad-hoc appointment was continued from time to time. Thereafter upon his selection by the M.P.S.C. he was appointed by the Government on the post of Medical Officer-Class-I. Accordingly he joined on the post of Civil Surgeon on 7.8.1999.

9. The applicant No. 2 in O.A. No. 532/2019 upon selection by the M.P.S.C. was appointed by the Government on the post of Medical Officer-Class-II initially on a probation of 2 years. Thereafter he was given time scale promotion since 1.8.2001 by the order dtd. 28.2.2002. Thereafter, he was promoted by the order dtd. 26.7.2006 and posted at Civil Hospital, Nashik. Thereafter he was transferred to Civil Hospital, Parbhani and retired from the service on superannuation on 31.7.2014.

10. It is the contention of the learned Advocate for the applicants that, as per Government Resolution dated

14.12.2011 the doctors who are serving as on 1.12.2011 and possessing Post Graduate Diploma are entitled to get three additional increments, whereas the doctors possessing Post Graduate Degree shall be entitled to get six additional increments in addition to their regular increments. It is the contention of the learned Advocate for the applicants that the applicants are entitled for six additional increments as per Government Resolution dated 14.12.2011.

11. It is the contention of the learned Advocate for the applicants that the Government has issued another G.R. dated 20.8.2014 on the same subject matter and thereby declared that by virtue of grant of 3/6 additional increments as per the earlier G.R. dated 14.12.2011, there has been anomaly in the fixation of pay of the Doctors. It is also observed therein that some Doctors senior in service are drawing less salary than the Doctors, who are junior to them.

12. It is the contention of the learned Advocate for the applicants that in spite of the above position, the Civil Surgeon, Parbhani issued the impugned order referring to the so-called objections recorded by the Pay Verification Unit and

directed recovery of certain amounts from the pay / pension of the respective applicants .

13. It reveals from the record that this Tribunal vide order dated 27.4.2018 passed in O.A. 262/2018 and 266/2018 has granted ad-interim stay in terms of Para XX(a) of the respective O.As. on a condition that respective applicants in O.A. Nos. 262 & 266/2018 shall furnish an undertaking that in event they fail in the O.As., they shall refund the amount, which is sought to be recovered from them, in one stroke.

14. In view of above facts and circumstances of the present cases, we are of the considered opinion that, in terms of Government Resolution dated 03.05.2021 (document 'X'), now the applicants are entitled for getting six additional increments w.e.f. 14.12.2011 instead of 20.08.2014. Hence, the relief sought by the applicants in the present Original Applications said to have been entitled.

It is to be noted here that, in O.A. No. 532/2019 no recovery from the applicants is sought for by the respondents.

15. In view of the above, nothing remains to be decided in the present Original Applications. The Original Applications can be disposed of in the following terms: -

(i) The respondents are directed to grant relief to the applicants as per Government Resolution dated 03.05.2021 (document 'X') within a period of six months from the date of this order.

(ii) Recovery, if any, made from the applicants in O.A. NOS. 262 & 266/2018 as per the impugned orders be refunded to them.

(iii) Accordingly, the present Original Applications stand disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

PLACE : AURANGABAD.

DATE : 30.06.2021