

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 633 OF 2022
(Subject – Benefit of ACPS)**

DISTRICT : LATUR

Dr. Sanjay Baburao Dhage,)
Age : 48 years, Occu. : Service as Assistant)
Director Health Services (Malaria) Latur,))
C/o : Deputy Director Office “Arogya Sankul”))
Barshi Road Latur, Dist. Latur.)

.... APPLICANT

V E R S U S

1. **The State of Maharashtra,**)
Through the Principal Secretary,)
Public Health Department,)
10th Floor G.T. Hospital,)
Mantralaya, Mumbai 400001.)
2. **The Commissioner,**)
Public Health Department, “Arogya Bhavan”,))
Saint George Hospitals Compound,)
Mumbai. 400032.)
3. **The Director,**)
Public Health Department, “Arogya Bhavan”,))
Saint George Hospitals Compound,)
Mumbai. 400032.)
4. **The Deputy Director of Health Services,))
Latur Region, Latur, Arogya Sankul,)
Barshi Road, Latur, Taluka and District Latur.)**

... RESPONDENTS

APPEARANCE : Shri S.B. Patil, Counsel for Applicant.

: Shri I.S. Thorat, Presenting Officer for
Respondent authorities.

CORAM : Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 03.04.2023.

O R A L - O R D E R

1. Heard Shri S.B. Patil, learned Counsel appearing for the applicant and Shri I.S. Thorat, learned Presenting Officer appearing for the respondent authorities.

2. The applicant has preferred the present Original Application seeking direction against the respondents for extending the benefits of ACPS to the applicant on his completion of 12 years continuous service after his appointment.

3. The applicant entered into the Government service on 24.07.1997 as a Medical Officer Group-B being a bonded candidate. On 03.04.2002 he was selected through MPSC and was appointed on the post of Medical Officer Group-A. Since then the applicant is in continuous service of the Government. It is the contention of the applicant that he has become entitled for the benefit of ACPS on 25.07.2009 after completing 12 years of his services. His proposal does not seem to have been considered by the Government on the ground that on 25.07.2009

he has not completed 12 years' service. The Government authorities are computing the period of service from 03.04.2002 i.e. from the date of regular appointment of the applicant.

4. Learned counsel for the applicant submitted that this issue is no more *res-integra* in view of the judgment in the case of **The Director of Technical Education Vs. Kum. Nanda C. Chavan and Ors.** and thereafter in the case of **The State of Maharashtra Vs. Smt. Meena A. Kuwalekar.** The Hon'ble High Court has ruled that for grant of ACPS, even services rendered on the same post by way of ad-hoc or temporary employment also have to be considered. This aspect does not seem to have been taken into account by the respondents.

5. In view of law laid down by the Hon'ble Bombay High Court in the matter of **The State of Maharashtra Vs. Smt. Meena A. Kuwalekar** in W.P. No. 9051 of 2013 with connected other W.Ps., the applicant is entitled for the benefit of ACPS and for that purpose his period of service has to be reckoned from his initial date of appointment i.e. 24.07.1997. Since there is no formal rejection of proposal of the applicant by the respondent authorities, I deem it appropriate to direct the respondent

authorities to reconsider the proposal of the present applicant for grant of ACPS.

6. Having regard to the law laid down by the Hon'ble Bombay High Court in the case of **The State of Maharashtra Vs. Smt. Meena A. Kuwalekar** (cited supra) the respondents are directed to take a decision on the request of the applicant for grant of ACPS within a period of four weeks from the date of this order.

7. Accordingly, the O.A. stands disposed of without any order as to costs.

PLACE : AURANGABAD.
DATE : 03.04.2023.

(JUSTICE P.R. BORA)
VICE CHAIRMAN

KPB S.B. O.A. No. 633 of 2022 VDD benefits of ACPS