

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 708 OF 2018**

DISTRICT : - JALNA.

**Dr. Balaji s/o Santaram Mundhe,** )  
Age - 59 years, Occu. : Service, )  
R/o. Yashodhan Nagar, )  
Near Jayakwadi, Parbhani. ) -- **APPLICANT**

**V E R S U S**

- 1. The State of Maharashtra,** )  
Through : Secretary, )  
Public Health Department, )  
G.T. Hospital, B Wing, 10<sup>th</sup> floor, )  
Complex Building, )  
Mumbai 400 001. )
- 2. The Director of Health Services** )  
**Directorate of Health Services,** )  
8<sup>th</sup> floor, Arogya Bhawan )  
Saint George Hospital Compound )  
P.D. Mell Road, Mumbai 400 001.)
- 3. The Commissioner (Health),** )  
3<sup>rd</sup> Floor, Arogya Bhavan, )  
Saint George Hospital Compound )  
P.D. Mell Road, Mumbai 400 001.)
- 4. Deputy Director** )  
Health Services, Arogya Bhavan, )  
Baba Petrol Pump, Aurangabad. )
- 5. District Civil Surgeon,** )  
Civil Hospital, Jalna. ) -- **RESPONDENTS**

---

**APPEARANCE** : Smt. Suchita A. Dhongde, learned  
Advocate for the applicant.

: Shri V.R. Bhumkar, learned Presenting Officer for the respondent.

-----  
**CORAM** : **V.D. DONGRE, MEMBER (J)**  
**DATE** : **07.05.2021**  
-----

### **ORAL - ORDER**

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. The present Original Application is filed by the applicant for the following reliefs :-

*“(B) The impugned order dated 18.8.2018 issued by the respondents and recovery effected from the pay of the applicant pursuant thereto be quashed and set aside.*

*(C) The respondents be directed to refund the amount of recovery effected from the salary of the applicant.*

*(D) By order or direction by this Hon'ble Tribunal, it be held and declared that*

*applicant is entitled for grant of benefit of six additional increments as prescribed by G.R. dated 19<sup>th</sup> November, 2012 and not governed by Government Resolution dated 20<sup>th</sup> August, 2014.*

*(E) The respondents be directed to restore the pay of the applicant as it was prior to issuance of the impugned order and grant consequential benefits.”*

3. The applicant joined on the post of Medical Officer Class-II on 11.4.1989 as a bonded candidate. Initially, the said appointment of the applicant was for a period of 2 years. After passing the examination for recruitment by MPSC in the year 1996 he joined service as a Medical Officer. It is the contention of the applicant that before passing of the M.P.S.C. examination for the post of Medical Officer, breaks were given to him in his earlier services, however, the said break period was condoned by the Government of Maharashtra and it was held that the applicant is entitled for all service benefits. It is his further contention that on completion of 12 years' continuous service, he was given the benefit of time bound promotion scheme as enunciated by the Government. Thereupon, the pay of the applicant came to be revised on account of the recommendations of the 5<sup>th</sup> and 6<sup>th</sup> Pay Commissions.

4. It is the contention of the learned Advocate for the applicant that, as per Government Resolution dated 14.12.2011 the doctors who are serving as on 1.12.2011 possessing degree 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 applicant that the applicant is entitled for six additional increments as per Government Resolution dated 14.12.2011.

6. It is the contention of the learned Advocate for the applicant 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.

7. It is the contention of the learned Advocate for the applicant that in spite of the above position, the Civil

Surgeon, Jalna issued the order dated 18.8.2018 (Annex. A. 4 paper book page 18 of O.A.) referring to the so-called objections recorded by the Pay Verification Unit on 21.1.2015 and 24.4.2018 and directed recovery of Rs. 2,26,611/- from the pay of the applicant from the month of August, 2018 at the rate of Rs. 19,611/- per month and it is accordingly effected from the month of August, 2018.

8. It reveals from the record that this Tribunal vide order dated 21.9.2018 has granted ad-interim stay to the said impugned recovery order.

9. In view of above facts and circumstances of the present case, I am of the considered opinion that, in terms of Government Resolution dated 03.05.2021 (document 'X'), now the applicant is entitled for getting six additional increments w.e.f. 14.12.2011 instead of 20.08.2014. Hence, the relief sought by the applicant in the present Original Application said to have been entitled in terms of prayer clause 'D'.

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

(i) The respondents are directed to grant relief to the applicant 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 applicant as per the impugned order dated 18.8.2018 (Annex. A.4 paper book page 18 of O.A.) be refunded to him.

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

**MEMBER (J)**

**PLACE : AURANGABAD.**

**DATE : 07.05.2021**

ARJ O.A.NO. 708-2018 (RECOVERY - REFUND OF RECOVERED AMOUNT)