MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

O.A. NO. 326/2012 WITH O.A. NO. 555/2015

[Shri Madhav B. Padvi Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri F.R. Tandale, learned Advocate for the applicant in both the matters **(absent)**. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents in both the matters is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 17.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 31.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 381 OF 2013

[Shri Uttam R. Kshirsagar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri V.B. Wagh, learned Advocate for the applicant **(absent)**. Shri I.S. Thorat, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 21.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 31.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 487 OF 2016

[Shri Mohd. Badar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Smt. A.N. Ansari, learned Advocate for the applicant **(absent)**. Shri I.S. Thorat, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 24.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 803 OF 2016

[Shri Sd. Kalim Sd. Mohd. Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri V.B. Wagh, learned Advocate for the applicant **(absent)**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 7.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NOS. 118, 119 & 120 ALL OF 2017

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri S.D. Joshi, learned Advocate for the applicants in these three matters **(absent)**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in these three matters is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 21.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 400/2015 IN OA ST. 1324/2014

[Smt. Ratna S. Wankhade Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri Vinod Patil, learned Advocate for the applicant **(absent)**. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 4 is present. Shri M.R. Kulikarni, learned Advocate for respondent no. 5 **(absent)**.

2. Bar Association reported that there is general strike. Hence, S.O. to 19.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 165/2016 IN CP ST. 611/2016 IN OA 487/2014

[Dr. Sunil S. Kulkarni Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri Avinash S. Deshmukh, learned Advocate for the applicant **(absent)**. Shri V.R. Bhumkar, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 19.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 446/2016 IN CP ST. 1979/2016 IN OA 227/2015

[Shri K.B. Pawar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

Date :- 31.03.2017

Oral Order :-

1. Shri V.B. Wagh, learned Advocate for the applicant **(absent)**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 19.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 805 OF 2016

[Shri Firoz K. Jamadar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 31.03.2017

Oral Order :-

1. Shri V.B. Wagh, learned Advocate for the applicant **(absent)**. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents is present.

2. Bar Association reported that there is general strike. Hence, S.O. to 19.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 178 OF 2017

(Application for Speaking to Minutes)

(Dr. Kishor S/o. Purushottam Pokharkar Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 31.03. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submitted that at the time of hearing of the matter, he sought liberty to approach this Tribunal on fresh cause of action, but inadvertently the said fact remained to be mentioned in the order passed by this Tribunal on 30.03.2017.

3. Learned Presenting Officer fairly admitted that he has no objection to give liberty to the applicant to approach this Tribunal on fresh cause of action.

4. Hence liberty is granted to the applicant to approach this Tribunal on fresh cause of action.

5. The Registrar of this Tribunal Bench at Aurangabad shall add the sentence ***"The applicant is at liberty to approach this Tribunal on fresh cause of action"*** in paragraph No. 10 of the order passed by this Tribunal on 30.03.2017 and issue fresh steno copy and hamdust to both the parties.

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 178 OF 2017

(Dr. Kishor S/o. Purushottam Pokharkar Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 30.03. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. The applicant has challenged the communication dated 9.1.2017 (Annexure 'A-7') of the respondent No. 4 proposing his retirement w.e.f. 31.03.2017 and prayed to grant extension up to the age of 60 years on the basis of Government Resolution dated 3.9.2015 (Annexure 'A-5') issued by the respondent No. 1 viz. the Secretary, Public Health Department, M.S. Mantralaya, Mumbai-32.

4. Learned Advocate for the applicant has submitted that the respondent No. 4 sent a proposal to the respondent No. 2 regarding the retirement of the applicant w.e.f. 31.3.2017. He has further submitted that thereafter the applicant has made a representation dated 14.3.2017, a copy of which is placed on record at **Annexure 'A-8' page-54 to 58** (both inclusive), to the respondent No. 2 and the same is pending. He has further submitted that the applicant is drawing salary in the pay band of Rs. 15600-39100 with Grade Pay Rs. 6600 and, therefore, he can be treated as Medical Officer Grade 'A'. He

has submitted that in view of the said pay scale, the applicant is Medical Officer Grade 'A' and, therefore, the Government Resolution dated 3.9.2015 is applicable in the present case.

5. Learned Presenting Officer has submitted that there are separate revised recruitment rules for the Medical Officers and as per the said rules applicant is Group 'B' Medical Officer and, therefore, he is not entitled for two years extension of service period. He has submitted that in view of the Government Resolution dated 3.9.2015, the Medical Officers, who are initially appointed as Medical Officer, Group 'A', as well as, who are getting pay scale in the pay band of Rs. 15600- 39100 with Grade Pay Rs. 5400 and above are entitled and eligible for two years extension of service period i.e. from 58 to 60. He has submitted that the applicant is Medical Officer, Group 'B' and, therefore, the said Government Resolution is not applicable to him and, hence he is not entitled for two years extension of service period.

6. During the course of the arguments, learned Advocate for the applicant has submitted that the representation of the applicant is still pending and, therefore, it would be just and proper to direct the respondent Nos. 1 & 2 to decide the said resentation, as well as, the proposal sent by the respondent No. 4 by the end of this month i.e. 31.03.2017.

7. In view thereof, on instructions from his client i.e. the applicant, learned Advocate for the applicant prayed that by giving direction to the concerned authority to decide the representation filed by the applicant as well as proposal sent by the respondent No. 4 by the end of this month, and with this direction the present Original Application may be disposed of

8. Learned Presenting Officer has submitted that he has no objection to dispose of the present Original Application by giving direction to the concerned authority.

9. In view of the aforesaid submission made by the learned Advocate for the applicant, as well as, learned Presenting Officer for the respondents, it would be just and proper to direct the respondent Nos. 1 & 2 to take decision on the proposal sent by the respondent No. 4, as well as, on the representation dated 14.3.2017 filed by the applicant by the end of this month i.e. 31st March, 2017.

10. With the above observations and directions, the present Original Application stands disposed of with no order as to costs.* The applicant is at liberty to approach this Tribunal on fresh cause of action.

11. Steno copy and hamdust of this order is allowed to both the parties

* corrected as per order dt. 31/3/17 in speaking to the Minutes by Hon'ble Member (J).
PWS Registrar 31/3/17.

MEMBER (J)

Ref. Bhakade 30/3/17 Cl & M. Bhakade C.A.O Dy. D+HS Nasik 9604380313