

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATIONS 159 OF 2010, 341 OF 2010  
WITH 424 OF 2015**

**DISTRICT : DHULE, AHMEDNAGAR, NANDED  
& NANDURBAR.**

**1) ORIGINAL APPLICATION NO 159 OF 2010**

1. Dr Prakash s/o Anandrao Sawant, )  
Occ : Service [as Medical Officer], )  
R/o: 15, Rupai Anuja Society, )  
Near Shree Nath Nagar, Nakane Rd,)  
Devpur, Dhule. )
2. Dr. Rajendra s/o V. Shinde )  
Occ : Service [as Medical Officer], )  
R/o: At Rajur, Tal-Akole, )  
Dist-Ahmednagar. )
3. Dr Prakash s/o Genu Kamble )  
Occ : Service [as Medical Officer], )  
R/o: At Khirwire, Tal-Akole, )  
Dist-Ahmednagar. )
4. Dr Ravindra s/o Sharad Baviskar )  
Occ : Service [as Medical Officer], )  
R/o: Hulesing Nagar, Plot no. 22, )  
Near Karawand Naka, Shirpur, )  
Dist-Dhule. )

5. Dr Pandurang s/o Ramrao Jadhav )  
 Occ : Service [as Medical Officer], )  
 R/o: At Post Khirdi, Tal-Shrirampur)  
 Dist-Ahmednagar. )
6. Dr Kisan s/o Piraji Gaikwad, )  
 Occ : Service [as Medical Officer], )  
 R/o: Belanagar, Adarsh Society, )  
 Taroda Khurd, Nanded. )
7. Dr Manohar s/o Tukaram Jadhav )  
 Occ : Service [as Medical Officer], )  
 C/o: Allopathic Dispensary, )  
 Khadki, Tal-Navapur, )  
 Dist-Nandurbar. )...**Applicant**

### **Versus**

1. The State of Maharashtra )  
 Through its Secretary, )  
 Public Health Department, )  
 M.S, Mantralaya, Mumbai 400 032 )
2. The Secretary, )  
 Finance Department, Mantralaya, )  
 M.S, Mumbai 400 032. )
3. The Secretary, )  
 Rural Development and Water )  
 Conservation Department, M.S, )  
 Mantralaya, Mumbai 400 032. )...**Respondents**

**2) ORIGINAL APPLICATION NO 341 OF 2010**

1. Dr Sarda Rajendra Mithulalji, )  
Occ : Service [as Medical Officer], )  
R/o: Primary Health Centre, )  
Tarsona, Dist-Beed )
2. Dr. Suhas J. Parsewar )  
Occ : Service [as Medical Officer], )  
R/o: 'Dhanwantari', CAL-3, 24/6 )  
12<sup>th</sup> Scheme, GArkheda Parisar, )  
Shivajinagar, Aurangabad. )
3. Dr Yerawar K. Vitthalrao )  
Occ : Service [as Medical Officer], )  
R/o: Primary Health Centre, )  
Aamthana, Dist-Aurangabad. )
4. Dr Mundhe J. Khushalrao )  
Occ : Service [as Medical Officer], )  
R/o: Primary Health Centre, )  
Warud Kazi, Dist-Aurangabad, )
5. Dr Todewale S. Ganeshrao )  
Occ : Service [as Medical Officer], )  
R/o: Primary Health Centre, )  
Golatgaon, Dist-Aurangabad. )
6. Dr Hemke R. Bhojram, )  
Occ : Service [as Medical Officer], )  
R/o: Primary Health Society, )  
Wakoni, Dist-Jalna. )

7. Dr Murmure R. Barkoji, )  
 Occ : Service [as Medical Officer], )  
 R/o: Primary Health Centre, )  
 Banoti, Dist-Aurangabad )
8. Dr Rathod S. Fulchand, )  
 Occ : Service [as Medical Officer], )  
 R/o: Primary Health Centre, )  
 Siddhanath Vadgaon, )  
 Dist-Aurangabad. )
9. Dr Deshmukh P. Vitthalrao, )  
 Occ : Service [as Medical Officer], )  
 R/o: Primary Health Centre, )  
 Jangamasala, Dist-Beed. )
10. Dr Shivaji G. Jadhav, )  
 Occ : Service [as Medical Officer], )  
 R/o: Medical College, Ambejogai, )  
 Dist-Beed. )
11. Dr Balasaheb D. Deshmukh, )  
 Occ : Service [as Medical Officer], )  
 R/o: Primary Health Centre, )  
 Nila, Dist-Nanded. )...**Applicant**

### **Versus**

1. The State of Maharashtra )  
 Through its Secretary, )  
 Public Health Department, )  
 M.S, Mantralaya, Mumbai 400 032 )

2. The Principal Secretary, )  
General Administration Department)  
Mantralaya, Mumbai. )
3. The Director of Health Services, )  
Mumbai 400 032. )...**Respondents**

### 3) ORIGINAL APPLICATION NO 424 OF 2015

1. Dr Suhas J. Parsewar, )
2. Dr Shivaji G. Jadhav )
3. Dr Satish R. Runwal )
4. Dr Ramdas L. Gutte )
5. Dr Maroti G. Potre )
6. Dr Rajan D. Parlikar )
7. Dr Pradeep N. Pensalwar )
8. Dr Samb S. Shivpute )
9. Dr Rajendra M. Sarda )
10. Dr Ramnath B. Hemke )
11. Dr Shrikant B. Kulkarni )
12. Dr Namdeo V. Korde )
13. Dr Prashant H. Pande )
14. Dr Vidyasagar R. Patil )
15. Dr Dwarkadas M. Nakhate )
16. Dr Yashwant S. Dahiphale )
17. Dr Deelip N. Makne )
18. Dr Sanjeev V. Shetkar )
19. Dr Ramchandra B. Murmure )
20. Dr Sadashiv M. Kendre )

21. Dr Pratap P. Ige. )
22. Dr Sanjay P. Telang )
23. Dr Dattatray M. Kamble )
24. Dr Sunil K. Sadgune )
25. Dr Prabhakar G. Raut )
26. Dr Prakash V. Deshmukh )
27. Dr Sudam K. Desai )
28. Dr Ratnakr L. Kalegaonkar )
29. Dr Ulhas K. Meshram )
30. Dr Sarjerao R. Shinde )
31. Dr Nathrao N. Phad )
32. Dr Babu D. Phad )
33. Dr Subhash P. Madrewar )
34. Dr Prakash G. Kamble )
35. Dr Rajendra V. Shinde )
36. Dr Rekha V. Shinde )
37. Dr Baliram R. Pandve )
38. Dr Kalba J. Pikle )
39. Dr Satish P. Rathod )
40. Dr Subhash B. Jadhav )
41. Dr Sanjay A. Joshi )
42. Dr Surendra G. Todewale )
43. Dr Pushplata P. Sawant )
44. Dr Sumant P. Shastri )
45. Dr Santosh S. Patil )
46. Dr Sudhir N. Banshelkikar )
47. Dr Jaysingh S. Veer )
48. Dr Kulbhushan M. Kandarkar )

49. Dr Seema A. Kulkarni )  
 50. Dr Dinkar N. Joshi )  
 51. Dr Pandurang S. Pawar )  
 52. Dr Kirshna V. Yerawar )  
 53. Dr Sudhakar G. Latpate )  
 54. Dr Shivaji M. Digrase )  
 55. Dr Ravindra S. Danrute )  
 56. Dr Sushma G. Kulkarni )  
 All the applicants are working as )  
 Medical Officers. )  
 C/o: Shri J.S Deshmukh, )  
 Advocate, D-2, Savitaraj Apt, )  
 Cannought Place, Town Centre, )  
 CIDCO, Aurangabad. )...**Applicants**

### **Versus**

1. The State of Maharashtra )  
 Through its Secretary, )  
 Public Health Department, )  
 M.S, Mantralaya, Mumbai 400 032 )  
 2. The Principal Secretary, )  
 Finance Department )  
 Mantralaya, Mumbai. )  
 3. The Director of Health Services, )  
 Aarogya Bhavan, St. Georges )  
 Hospital Campus, Near C.S.T, )  
 Mumbai. )

4. Deputy Director of Health Services )  
Latur Circle, Latur. )
5. Deputy Director of Health Services, )  
Aurangabad Circle, Aurangabad. )
6. Deputy Director of Health Services, )  
Nasik Circle, Nasik. )
7. The Chief Executive Officer, )  
Zilla Parishad, Latur. )
8. The Chief Executive Officer, )  
Zilla Parishad, Beed )
9. The Chief Executive Officer, )  
Zilla Parishad, Parbhani )
10. The Chief Executive Officer, )  
Zilla Parishad, Jalna )
11. The Chief Executive Officer, )  
Zilla Parishad, Hingoli. )
12. The Chief Executive Officer, )  
Zilla Parishad, Aurangabad )
13. The Chief Executive Officer, )  
Zilla Parishad, Ahmednagar )
14. The Chief Executive Officer, )  
Zilla Parishad, Osmanabad )...**Respondents**

Shri J.S Deshmukh, learned advocate for the Applicants in O.A 424/2015, Shri J.S Deshmukh holding for Shri R.J Godbole and Shri A.S Deshmukh, learned advocate for the Applicants in O.A no 341/2010 & 159/2010

Mrs Priya Bharaswadkar, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**  
**Shri J.D Kulkarni (Member) (J)**

**DATE : 18.10.2016**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

**ORDER**

1. Heard Shri J.S Deshmukh, learned advocate for the Applicants in O.A 424/2015, Shri J.S Deshmukh holding for Shri R.J Godbole and Shri A.S Deshmukh, learned advocate for the Applicants in O.A nos. 341/2010 & 159/2010 and Mrs Priya Bharaswadkar, learned Presenting Officer for the Respondents

2. These Original Applications were heard together and are being disposed of by a common order as the issues to be decided are identical.

3. Learned Counsel for the Applicants argued that the State Government has taken a policy decision by issuing a G.R dated 28.5.2001 to give Group 'B' status to Medical Officers in District Technical Service (Class-III) having B.A.M.S degree and working in various Zilla Parishads in the State. By order dated 21.4.2008, services of all Medical Officers, Class-III, working in Zilla Parishads were transferred to the Public Health

Department of the State Government. State Government took another policy decision on 27.2.2006 and by G.R of that date, granted pay scale of Rs. 8000-13500 to Medical Officers in the District Technical Service, Group 'C'. Combined effect of these policy decisions of the Government was that from 28.5.2001, the Medical Officers in District Technical Service, Group 'C' were absorbed as Medical Officers, Group 'A' in the State Government in the pay scale of Rs. 8000-13500. Learned Advocate Shri Deshmukh stated that the entire issue has been examined by Principal Bench of this Tribunal, in order dated 11.7.2016 in O.A no 682/2013 and 879/2015 etc. It has been held that the Recruitment Rules for Group 'B' Medical Officers in the State Government have been amended to absorb Medical Officers in District Technical Service, Group 'C' and in consultation with the Maharashtra Public Service Commission and G.R dated 17.10.2014 has been issued absorbing 869 Medical Officers in District Technical Service, Group 'C' as Medical Officers, Group 'B' in the State Service. It was also held that in terms of G.R dated 27.2.2006, such Medical Officers were entitled to get pay in the scale of Rs. 8000-13500 in the 5<sup>th</sup> Pay Commission and in the Pay Band of Rs. 9300-34800 plus grade pay of Rs. 5400 in the 6<sup>th</sup> Pay Commission. Learned Advocate Shri Deshmukh contended that the Applicants are eligible to get same reliefs as the similarly situated persons.

4. Learned Presenting Officer (P.O) admitted that the Applicants in these Original Applications are similarly situated persons as the Applicants in R.A no 25/2015 in O.A 469/2012 with O.A no 682/2013 and O.A no 879/2015 decided by the Principal Bench of this Tribunal by a common order dated 11.7.2016.

5. We find that the Applicants in the Original Applications were also recruited as Medical Officers in District Technical Services, Class-III in various Zilla Parishads. G.R dated 17.10.2014 has finally absorbed such Medical Officers as Group 'B' Medical Officers in the State Government. These Officers were given the pay scale of Rs. 8000-13500 by G.R dated 27.2.2006, which is applicable to Group 'A' employees. This Tribunal has held that those Medical Officers whose names appear in the list of 869 Medical Officers in G.R dated 17.10.2014 are entitled to get pay in the scale of Rs. 8000-13500 in the Fifth Pay Commission and in the Pay Band of Rs. 9300-34800 plus grade pay of Rs. 5400 in the Sixth Pay Commission. They will, however, remain in Group 'B' as they have been absorbed in Group 'B' posts as per Recruitment Rules. Pay has been granted to them by G.R dated 27.2.2006, which is applicable to Group 'A' officers. A similar order was passed on 8.8.2016 in O.A no 160/2016 by the Principal Bench of this Tribunal. In the present Original Applications, we cannot take any other view.

6. Having regard to the aforesaid facts and circumstances of the case, Medical Officers who were recruited in the District Technical Service, Class-III, and whose names figures in the list of 869 Medical Officers absorbed as Group 'B' Medical Officers in terms of G.R dated 17.10.2014, are eligible to get pay in the scale of Rs. 8000-13500 in the Fifth Pay Commission. They are also entitled to get pay in the Pay Band of Rs. 9300-34800 + grade pay of Rs. 5400/- in the 6<sup>th</sup> Pay Commission. The present Applicants, are also entitled to the above pay scale / pay band if their names figures in the list of Medical Officers, Group 'C' working in Zilla Parishads, who were absorbed in Group 'B' posts by G.R dated 17.10.2014. These Original Applications are accordingly disposed of with no order as to costs.

**(J.D Kulkarni)**  
**Member (J)**

**(Rajiv Agarwal)**  
**Vice-Chairman**

**Place : Aurangabad**

**Date : 18.10.2016**

**Dictation taken by : A.K. Nair.**