

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR**

ORIGINAL APPLICATION NO 53 OF 2017

DISTRICT : NAGPUR

Shri Suresh Madhavrao Morey,)
Occ : Service, R/o: 123,)
Nirman Classic Apartment,)
Gajanan Nagar, Wardha Road,)
Nagpur, (M.S).)**...Applicant**

Versus

1. The State of Maharashtra)
 Through Principal Secretary,)
 Medical Education & Drugs)
 Department, Mantralaya,)
 Mumbai 400 032.)
2. The Director,)
 Medical Education & Research)
 St Georges' Hospital Compound)
 4th floor, Govt. Dental College)
 Bldg, Near CST, Mumbai.)
3. The Dean,)
 Government Medical College,)
 Nagpur.)**...Respondents**

Shri S.C Deshmukh, learned advocate for the Applicant.

Shri M.I Khan, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)

Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : 06.07.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri S.C Deshmukh, learned advocate for the Applicant and Shri M.I Khan, learned Presenting Officer for the Respondents

2. The Applicant is a Teacher in Statistics in Government Medical College, Nagpur. He is claiming that he is entitled to continue in Government service till the age of 62 years and has challenged the order dated 15.11.2016 retiring him w.e.f 31.1.2017 on reaching the age of 58 years.

3. Learned Advocate for the Applicant relied on two judgments of this Tribunal, namely judgment dated 25.7.2014 in O.A no 72/2011 of Mumbai bench of this Tribunal, where Associate Professor in Grant Medical

College, Mumbai in the field of Health, Education and Family Planning was held to be entitled to retirement on reaching the age of 62 years. Learned Advocate for the Applicant stated that the State has challenged the aforesaid judgment by filing W.P no 7440/2015 before the Hon'ble Bombay High Court and by order dated 28.2.2017 the same has been dismissed and the order of this Tribunal has been upheld. He also cited another judgment of Aurangabad Bench of this Tribunal, which was given by the very same bench sitting at Aurangabad dated 21.10.2016 in two Original Applications no 74/2015 & 78/2015, wherein Associate Professor [Statistics] in Government Medical College, Ambejogai and another Associate Professor [Statistics and Demography] working in the same college were held eligible to retire at the age of 62 years. Learned Advocate for the Applicant contended that this judgment is also clearly applicable in the present case.

4. Learned Presenting Officer stated that the Respondents have filed W.P no 3344/2017 before the Aurangabad Bench of the Hon'ble Bombay High Court, challenging the judgment of Aurangabad Bench of this Tribunal in O.A nos 74/2015 & 78/2015 and the decision is awaited.

5. We find that this very bench sitting at Aurangabad has decided two Original Applications where

identical issues were raised. In another matter in O.A no 72/2011 before Mumbai Bench quite similar issues were raised wherein one of us, namely, Shri Rajiv Agarwal (Vice-Chairman)(A) was a Member of the bench which decided that a non Medical Teacher in a Medical College was entitled to continue in service till the age of 62 years. This Tribunal cannot take a view different than the view already taken in the three Original Applications referred to above.

6. This Original Application is accordingly allowed and the impugned order dated 15.11.2016 is quashed and set aside. The Applicant will be allowed to immediately rejoin his duty as Statistician cum Lecturer, Group 'B' in the Department of Preventive and Social Medical, Government Medical College, Nagpur. He will be treated as if he was in service without any break and he was never retired from service. He shall continue to work till he reaches the age of superannuation, i.e. 62 years. However, it is clarified that the Applicant is not covered by G.R dated 28.7.2014. No order as to costs.

(J.D Kulkarni)
Vice-Chairman (J)

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 06.07.2017
Dictation taken by : A.K. Nair.

D:\MAT NAGPUR BENCH JUDGMENTS July 2017\O.A 53.17 Enhance retirement age,
DB.07.17.doc