

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 362 of 2023 (D.B.)

Dr. Sanjay Vyanakatesh Deshpande,
Aged about: 58 Years, Occ: Service,
R/o. House of Dhiraj Bande,
Behind Satsang Bhawan, Bhawani Nagar,
Lakhala, Risod Road, Washim-444505

Applicant.

Versus

- 1) State of Maharashtra
through the Principle Secretary,
Public Health Services (MS),
10th Floor GT Hospital,
A wing, Mantralya, Mumbai.
- 2) The Commissioner,
Public Health Services (MS),
Arogya Bhawan Cent Jorge Hospital,
Mumbai.
- 3) The Director,
Public Health Services (MS),
Arogya Bhawan Cent Jorge Hospital,
Mumbai.

Respondents.

Shri R.D. Damle, Advocate for the applicant.
Shri S.A. Deo, learned C.P.O. for respondent.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 25/04/2023.

ORDER

Heard Shri R.D. Damle, learned counsel for the applicant
and Shri S.A. Deo, learned C.P.O. for the respondent.

2. The O.A. is heard finally with the consent of learned counsel for both the parties.

3. The applicant is working as Assistant Director of Health Services at Washim.

4. It is the case of applicant that the age of retirement for Health Officer is 60 years as per the G.R. dated 03/09/2015. The applicant will complete the age of 60 years in the year 2025. The applicant has prayed the following reliefs –

“(8) (i) To direct the respondent to correct the date of retirement of the applicant as 28.02.2025 in the seniority list published on 20.02.2023, as per service record of the applicant.

ii) To any other relief which this Tribunal deem fit in the circumstances of the application.

(9) Interim order if any prayed for:- To direct respondents not to retire the applicant on 31.05.2023, before completion of his age of 60 years as per service record; till disposal of the application.”

5. The learned counsel for applicant Shri R.D. Damle has pointed out the Government G.Rs. dated 03/09/2015 and 31/05/2018. As per these G.Rs., the age of retirement of Health Officer is 60 years. The seniority list published by the respondents shows that the date of retirement of applicant is 31/05/2023. Therefore, he approached to this Tribunal for direction to the respondents not to retire the applicant

till the age of 60 years as per the Government G.Rs. dated 03/09/2015 and 31/05/2018.

6. Heard Shri S.A. Deo, learned C.P.O. for the respondent. He has pointed out the order passed by the M.A.T., Bench at Aurangabad in O.A.No.458/2022, dated 19/05/2022. The learned CPO has also filed the Govt. Notification dated 23/02/2022. Both are marked Exh-X and X1 for identification.

7. As per the Govt. Notification dated 23/02/2022 the date of retirement of the applicant was extended till 31/05/2023. The material portion of the G.R. dated 23/02/2022 is reproduced as under –

“Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health Officer Cadres in Maharashtra Medical and Health Services, Group- A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided also that, the above proviso shall be in force till the 31st May 2023.”

8. The M.A.T., Bench at Aurangabad also not granted any relief for extending the age of retirement till the age of 60 years in the similar matter filed by one Dr. Suresh R. Pawar.

9. Thus Govt. Notifications pointed out by the learned counsel for the applicant, are the earlier Govt. Notifications in the year 2015 and 2018. Those Notifications show that the services of the Doctors in the Health Department were extended upto the age of 60 years, but as per the Govt. Notification dated 23/02/2022, the services of those Doctors are extended till 31st May,2023. Therefore, the applicant cannot claim the benefit of earlier Notifications dated 03/09/2015 and 31/05/2018.

10. In view of the Govt. Notification dated 23/02/2022, the applicant is not entitled to get any relief as prayed in the O.A. Hence, the O.A. itself is devoid of merit. Hence, the following order –

ORDER

- (i) The O.A. is dismissed.
- (ii) No order as to costs.

Dated :- 25/04/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

order signed on : 25/04/2023.