Thakur

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 320 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 27 JAN 2016

ORIGINAL APPLICATION NO. 179 OF 2013.

1. Ms. Lata T. Khopkar, Since after marriage
Smt. Shubhangi S. Mhamunkar
C/o. Shri A.V. Bandiwadekar, Advocate for the Applicant.

....**APPLICANT/S.**

VERSUS

1 The Superintendent, G.T. Hospital, Mumbai-1.

2 The State of Maharashtra, Through Principal Secretary, Medical Education & Drugs Dept., Having Office at Mantralaya, Mumbai-32.

3 The Dean, Sir J.J. Group of Hospitals, Mumbai-8.

...**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***25th*** day *of* ***January, 2016*** *has made the following order:-*

APPEARANCE : Shri. A.V. Bandiwadekar, Advocate for the Applicant.
Shri N.K. Rajpurohit, C.P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**
HON'BLE SHRI R.B. MALIK, MEMBER (J).

DATE : **25.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

27/1/16

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This OA can be disposed off on a short point which would conclude the issue finally.

3. The applicant is working as Aaya in G.T. Hospital, Mumbai. Her appointment was on temporary basis called "Badli Kamgar". It is her case that she has continued to work for the last 15 years. Be it as it may. She has sought in this OA the relief of regularisation mainly on account of an order passed by this Tribunal in OA No.902 of 2003 dated 25.8.2004 (Ms. Lata Tukaram Khopkar Versus State of Maharashtra & Anr.). There the Tribunal directed the respondents to include the name of this applicant in the waiting list/seniority list maintained by the GT Hospital of such Class IV employees. Another direction was that the applicant should be shown in the seniority/waiting list at such place after excluding the period for which she worked in Cama & Albless Hospital and considering her accordingly for appointment on temporary/regular basis. Further it was directed that the applicant was given age relaxation for considering her appointment for the days for which she has actually served in GT Hospital and Cama & Albless Hospital. Thereafter this OA was brought. It now comes up before us for hearing and disposal.

4. The respondents have filed their affidavit in reply but the Ld. CPO has placed before us a communication dated 28.12.2015 by the Superintendent, GT Hospital, Mumbai to the Ld. CPO to which he has annexed copy of a letter from the Director of Medical Education & Research, Mumbai to the Dean, GT Hospital dated 19.12.2015. Further, to the same a copy of the GR dated 7.12.2015 issued by the Medical Education & Drugs Department has been annexed. The long and short of the matter is that the Govt. has decided to grant permanency to the "Badli employees" and the name of the applicant appears in that list at Sr. No.8. In the last para it is mentioned as follows in marathi:

Tribunal's orders

"....वर्ग - ४ संवर्गातील कर्मचाऱ्यांना नियुक्ती देण्याचे अधिकार मा. अधिष्ठाता, सर.ज.जी.समुह रुग्णालय, मंबुई यांना असल्यामुळे कायम स्वरुपी नियुक्ती देण्याकरीता पात्र असलेलया बदली कर्मचाऱ्यांची यादी मा. अधिष्ठाता, सर.ज.जी.समुह रुग्णालय, मंबुई यांचेकडे नियुक्ती आदेश निर्गमित करण्यासाठी सादर करण्यात आली आहे. सोबत संचालनालयाची व शासन निर्णयाची तसेच या कार्यालयाच्या पत्राची छायांकित प्रत सादर करण्यात येत आहे."

5. It is very clear therefore. from the above discussion that now the Govt. having granted sanction for regularisation all that remains is what has been set out in the above extract for which some reasonable time limit will have to be fixed which cannot be a very long one. Shri Bandiwadekar, Ld. Advocate for the Applicant submits that he had asked for regularisation from 2004 while she has been apparently granted regularisation from 7.12.2015 which is the date of the GR. He requests that applicant be permitted to make a proper representation to the authorities for seeking regularisation from 2004. Without expressing any opinion thereabout a direction will be given that if she makes a representation within one month it be decided appropriately within three months. The respondents are directed to comply with the directions hereinabove given and respondent no.3 shall issue the order of appointment of the applicant within four weeks from today. The disposal hereof shall not come in the way of the applicant from making a representation if so advised within one month from today seeking regularisation from 2004 and in case she did that then the respondents shall consider it within three months and communicate the decision thereon to the applicant within one week thereafter. OA is accordingly disposed off with these directions with no order as to costs. Hamdast.

sd/-	sd/-
(R.B. Malik)	(Rajiv Agarwal)
Member (J)	Vice-Chairman
25.1.2016	25.1.2016

(sgj)

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Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

25/1/16

Hon'ble Shri RAJIV AGARWAL (Vice - Chairman)

Hon'ble Shri R. B. MALIK (Member) J

A. V. Bandiwadekar

M. K. Rajpurohit

Order passed on the Tribunal's