

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.203/2016. (D.B.)

- 1) Smt. Shobha Shirsagar,
Aged about 51years,
Occ-Service (Ward Boy),
R/o At and Post Umarsara, Yavatmal.
District Yavatmal.
- 2) Raju Udyabhan Shahade,
Aged about 46years,
Occ-Service (Ward Boy),
R/o Vadya Nagar, Yavatmal.
District Yavatmal.
- 3) Sunil Ganesh Wadatkar,
Aged about 45years,
Occ-Service (Ward Boy),
R/o Valya Nagar, Yavatmal.
District Yavatmal.
- 4) Smt. Nirmala A. Bhokare,
Aged about 47years,
Occ-Service (Ward Boy),
R/o Shinde Nagar, Yavatmal.
District Yavatmal.
- 5) Kalpana K. Mohture,
Aged about 47 years,
Occ-Service (Ward Boy),
R/o Bangar Nagar, Yavatmal.
District Yavatmal.
- 6) Sangeeta H. Patil,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Patipura, Yavatmal.
District Yavatmal.

- 7) Smt. Uma P. Wankhede,
Aged about 52 years,
Occ-Service (Ward Boy),
R/o Netaji Nagar, Yavatmal.
District Yavatmal.
- 8) Smt. Chhabutai M. Chakradhare,
Aged about 52 years,
Occ-Service (Ward Boy),
R/o Singhania Nagar, Yavatmal.
District Yavatmal.
- 9) Smt. Nanda B. Bulle,
Aged about 46 years,
Occ-Service (Ward Boy),
R/o Bangar Nagar, Yavatmal.
District Yavatmal.
- 10) Bhaskar K. Umartkar,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Near T.B. Hospital, Yavatmal.
District Yavatmal.
- 11) Vijay O. Bordre,
Aged about 54 years,
Occ-Service (Ward Boy),
R/o Patipur, Yavatmal.
District Yavatmal.
- 12) Subhash N. Yadav,
Aged about 53 years,
Occ-Service,
R/o Shinde Nagar, Yavatmal.
District Yavatmal.
- 13) Smt. Mainatai T. Meshram,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Patipura, Yavatmal.
District Yavatmal.

- 14) Kishor N. Gulhane,
Aged about 50 years,
Occ-Service,
R/o Wadgaon Jam Road, Yavatmal.
District Yavatmal.
- 15) Rajkishor Upadhyaya,
Aged about 47 years,
Occ-Service,
R/o Shinde Nagar, Yavatmal.
District Yavatmal.
- 16) Sou. Aruna Patekar,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Bangar Nagar, Yavatmal.
District Yavatmal.
- 17) Prakash V. Kadukar,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o 51, Yavatmal.
District Yavatmal.
- 18) Dilip P. Borikar,
Aged about 53 years,
Occ-Service,
R/o Govt. Quarter, Medical College, Yavatmal.
District Yavatmal.
- 19) Smt. Satyabhama Gajbhiye,
Aged about 54 years,
Occ-Service,
R/o Patipura, Yavatmal.
District Yavatmal.
- 20) Ramesh Ganpat Landge,
Aged about 47 years,
Occ-Service,
R/o Sarula, Tq. Babhulgaon , Dist. Yavatmal.

- 21) Sanjay Shambhaji Kale,
Aged about 42 years,
Occ-Service (Ward Boy),
R/o Govt. Qtr., Medical College, Yavatmal.
District Yavatmal.
- 22) Smt. Chandrabhaga P. Rajurkar,
Aged about 53 years,
Occ-Service (Ward Boy),
R/o Kalamb, Tq. Kalamb,
District Yavatmal.
- 23) Smt. Sarla S. Mite,
Aged about 53 years,
Occ-Service (Ward Boy),
R/o Balaji Chowk, Yavatmal.
District Yavatmal.
- 24) Smt. Uma Desai,
Aged about 50 years,
Occ-Service (Ward Boy),
R/o Sharda Chowk, Yavatmal.
District Yavatmal.
- 25) Smt. Meera T. Zopate,
Aged about 53 years,
Occ-Service (Ward Boy),
R/o Malipura, Yavatmal.
District Yavatmal.
- 26) Smt. Chhaya W. Paripagar,
Aged about 44 years,
Occ-Service (Ward Boy),
R/o Govt. Quarter, Medical College, Yavatmal.
District Yavatmal.
- 27) Smt. Nalini P. Guhe,
Aged about 49 years,
Occ-Service (Ward Boy),
R/o Govt. Quarter, Medical College, Yavatmal.
District Yavatmal.

- 28) Smt. Sunita S. Telang,
Aged about 50 years,
Occ-Service,
R/o Wadgaon Jam Road, Yavatmal.
District Yavatmal.
- 29) Subhash Turvile,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Govt. Quarter, Medical College, Yavatmal.
District Yavatmal.
- 30) Maroti Bhoyar,
Aged about 44 years,
Occ-Service (Ward Boy),
R/o Datta Chowk, Yavatmal.
District Yavatmal.
- 31) Ramesh R. Jadhav,
Aged about 41 years,
Occ-Service (Ward Boy),
R/o Akola Bazar, Yavatmal.
District Yavatmal.
- 32) Smt. Nalini S. Lanbsonge,
Aged about 52 years,
Occ-Service (Ward Boy),
R/o Patipura, Yavatmal.
District Yavatmal.
- 33) Jayantkumar Khobragade,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Patipura, Yavatmal.
District Yavatmal.
- 34) Smt. Maya H. Nilamwar,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Malipura, Yavatmal.
District Yavatmal.

- 35) Smt. Rekha Chaudhari,
Aged about 51 years,
Occ-Service (Ward Boy),
R/o Yavatmal.
District Yavatmal.
- 36) Lavkush Mishra,
Aged about 45 years,
Occ-Service (Ward Boy),
R/o Ambanagar, Yavatmal.
District Yavatmal.
- 37) Smt. Durga Ghadge,
Aged about 45 years,
Occ-Service (Ward Boy),
R/o 46,, Yavatmal.
District Yavatmal.
- 38) Santosh Varun Rathod,
Aged about 45 years,
Occ-Service (Ward Boy),
R/o Ambanagar, Yavatmal.
District Yavatmal.
- 39) Devendra Mahadeo Sawarkar,
Aged about Adult,
Occ-Service,
R/o Yavatmal.
District Yavatmal.
- 40) Baby Raju Chandel,
Aged about 51 years,
Occ-Service,
R/o Sewanagar, Yavatmal.
District Yavatmal.
- 41) Hanuman Umredkar,
Aged about 50 years,
Occ-Service,
R/o Shinde Nagar, Yavatmal.
District Yavatmal.

- 42) Mukesh Tambe,
Aged about 36 years,
Occ-Service,
R/o Prasad Nagar, Yavatmal.
District Yavatmal.
- 43) Smt. Chhoti Nandhane,
Aged about 46 years,
Occ-Service,
R/o Sewa Nagar, Yavatmal.
District Yavatmal.
- 44) Shailesh Bramhe,
Aged about 43 years,
Occ-Service,
R/o Govt. Qtrs. Medical College, Yavatmal.
District Yavatmal.
- 45) Smt. Ravita Vyas,
Aged about 41 years,
Occ-Service,
R/o Sewanagar, Yavatmal.
District Yavatmal.
- 46) Vijay Vyas,
Aged about 44 years,
Occ-Service,
R/o Sewanagar, Yavatmal.
District Yavatmal.
- 47) Smt. Rekha Deshradh Kaloshiya,
Aged about 48 years,
Occ-Service,
R/o Sewanagar, Yavatmal.
District Yavatmal.
- 48) Smt. Sarojtai Chaudhari,
Aged about 46 years,
Occ-Service,
R/o Sewanagar, Yavatmal.
District Yavatmal.

- 49) Bhimrao Sopan Mohod,
Aged about 45 years,
Occ-Service (Sweeper),
R/o Ambanagar, Yavatmal.
District Yavatmal.
- 50) Rohidass Hari Gharu,
Aged about 42 years,
Occ-Service (Sweeper),
R/o Balaji Park, Yavatmal.
District Yavatmal.

Applicants.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Medical Education & Drugs,
Mantralaya, Mumbai-32.
2. The Director,
Medical Education & Drugs Department,
Fort, Mumbai-400 001.
3. The Dean,
Shri Vasantnao Naik Govt. Medical College & Hospital,
Yavatmal.

Respondents

Shri S.N. Gaikwad, the Ld. Advocate for the applicants.
Shri P.N. Warjekar, the Ld. P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shri Shree Bhagwan, Member (A)

ORAL JUDGMENT

Per:- Vice-Chairman (J)

(Passed on this 10th day of August 2018.)

Heard Shri S.N. Gaikwad, the learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The applicants in this case are claiming that the G.R. dated 7.12.2015 issued by respondent No.3 be quashed and set aside, since the same does not include the names of the applicants for regularization. The applicants are also claiming that the respondent No.1 be directed to consider the proposal forwarded by respondent No.3 i.e. the Dean, Shri Vasantrya Naik Govt. Medical College & Hospital, Yavatmal for regularization of the applicants' services to the post of Ward Boy / Sweeper.

3. From the record, it seems that vide G.R. dated 7.12.2015 (Page Nos. 145 to 153) (both inclusive), names of the 774 employees were sent for regularization. But the Government was pleased to regularize the services of 616 employees. It was stated that rest of the applicants were ejected on the ground that they do not fulfill the condition of the G.R. for regularization dated 23rd July 2015.

4. The learned counsel for the applicants points out that even thereafter the respondent No.3 Dean, Shri Vasantrya Naik Govt. Medical College & Hospital, Yavatmal vide order dated

5.1.2016 (Annexure A-10), was pleased to refer the matter to the Director of Medical Education & Drugs Department, Mumbai (R.2) for considering the names of remaining candidates including the applicants. However, no decision has been taken on the said proposal.

5. The learned counsel for the applicants placed reliance on the judgment in **O.A. No. 199/2016 in case of Satyavati Ambade and others V/s State of Maharashtra delivered by this Tribunal on 15.6.2017** and particularly para Nos. 10, 21 and 22 of the said judgment also, the judgment in **W.P. No. 246/2015 delivered by the Hon'ble High Court of Bombay on 19.8.2016 in case of State of Maharashtra V/s Bhartiya Kamgar Cell** and submitted that the case of the applicants have been covered by these pronouncements . Copy of the said judgment passed by the Hon'ble High Court of Bombay is at Annexure A-XI and that by this Tribunal is at Annexure A-XII. The learned counsel for the applicants submits that the application may be disposed of by giving directions to the respondent Nos. 1 and 2 to consider the proposal forwarded by respondent No. 3 i.e. the Dean, Shri Vasant Rao Naik Govt. Medical College & Hospital, Yavatmal dated 5.1.2016 within a stipulated period. In view thereof, following order is passed:-

ORDER

- (i) The O.A. stands disposed of with directions to respondent Nos. 1 and 2 to take a decision on the recommendation made by the Dean, Shri Vasantnao Naik Govt. Medical College & Hospital, Yavatmal dated 5.1.2016 (A.10) and also considering the pronouncements in W.P. No. 246/2015 by the Hon'ble High Court of Bombay and O.A. No.199/2016 by this Tribunal as referred to above.
- (ii) Necessary decision on merits of the case shall be taken within three months from the date of this order and the same shall be communicated to the applicant in writing.
- (iii) The respondents will be at liberty to follow the procedure as mentioned in the order dated 16.10.2017 till the decision on representation.
- (iv) No order as to costs.

(Shree Bhagwan)
Member (A)

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

Dt. 10th August 2018.

pdg

