

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 585 of 2019 (S.B.)**

Dr. Hemant S/o Govind Langhe,
Aged 57 years,
Occupation: Medical Officer, Gat -B,
Ayurvedic Hospital, Kujba,
Tahasil: Kuhi, District: Nagpur,
R/o: Plot No.11, Old Kailas Nagar,
Near Ganpati Temple, Ayodhya Nagar, Nagpur.

Applicant.

Versus

1. State of Maharashtra,
Ministry of Health, through Its' Secretary,
Health Department, Mantralaya Mumbai -400 032.
2. Director of Health Services,
C/o Saint George Hospital Enclave, Fort, Mumbai.
3. Deputy Director,
Health Services, Nagpur Division,
Shraddhanand Peth, Mata Kacheri Nagpur- 440 022.

Respondents.

S/Shri C.D. Umbarkar, O.W. Gupta, K.J. Khanorkar, Advs. for the applicant.

Shri A.M. Khadatkar, P.O. for respondents.

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

Dated :- 18/03/2024.

J U D G M E N T

Heard Shri K.J. Khanorkar, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The Id. P.O. has filed letter dated 09/02/2024. It is marked Exh-X. The learned counsel for applicant has pointed out para-2 of the letter dated 09/04/2024 (P-11). Reply is not filed. The applicant has approached to this tribunal for direction to the respondents to pay the amount of arrears of salary to the applicant for the period from 14/06/2016 to 05/02/2017 treating the said period as compulsory waiting period and also prayed for interest.

3. The learned counsel for applicant has submitted that posting was not given to the applicant. He was kept waiting for the posting. The applicant was transferred to Ayurvedic Hospital, Kujaba, Tah. Kuhi, District Nagpur. There was no vacancy at P.H.C., Karwahi. The applicant could not join duty for want of posting / vacancy. The applicant joined duty as a Medical Officer at Kajuba on 07/02/2017. The applicant claimed the salary of waiting period from 14/06/2016 to 07/02/2017.

4. In the letter Exh-X dated 09/02/2024, respondent no.1 has decided waiting period from 14/06/2016 to 06/02/2017 as a compulsory waiting period. The applicant was not at fault. It was the fault of the respondents not to give the posting in the vacant place. Therefore, the applicant is entitled for salary from 14/06/2016 to 06/02/2017. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to pay salary to the applicant from the period from 14/06/2016 to 05/02/2017 along with interest @ 6% till actual payment is made.

(iii) Respondents are directed to comply the order within three months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 18/03/2024.

(Justice M.G. Giratkar)
Vice Chairman.

*dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/03/2024.