

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO. 160 OF 2016

DISTRICT :Satara

1. Dr. Ashok S/O Nanaso Waydande,)
Age-54 years, Occ-Medical Officer,)
Primary Health Centre,)
M. Wadgaon, Tq. Kadegaon,)
District Sangli.)
2. Dr. Nitin S/O Tatyasaheb Salunkhe,)
Age -45 years, Occ-Medical Officer,)
Primary Health Centre, Bhose,)
Tq. Miraj, District Sangli.)
3. Dr. Arun S/O Babasaheb Naik)
Age-55 years, Occ- Medical Officer,)
Primary Health Centre, Shegaon,)
Tq. Jat, District Sangli.)
4. Dr. Pushpa Raghunath Bhoi,)
Age-49 years, Occ-Medical Officer,)
Primary Health Centre, Yelur,)
Tq. Walwa, District Sangli.)
5. Dr. Dilip S/O Dinkar Kamble,)
Age-54 years, Occ- Medical Officer,)
Epidemic Medical Officer,)
Zilla Parishad, Satara,)
District Satara.)
6. Dr. Vijay S/O Anandrao Gokhale,)
Age-47 years, Occ- Medical Officer,)
Aurvedic Dispensary, Chore,)
Tq. Karad, District Satara.)

)...Applicants

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VERSUS

1. The State of Maharashtra,)
Through Secretary,)
Public Health Department,)
Mantralaya, Mumbai-32.)
2. The Principal Secretary,)
Finance Department,)
Mantralaya, Mumbai.)
3. Director of Health Service,)
Arogya Bhavan, St. Georges Hospital)
Campus, Near C.S.T. Mumbai.)
4. Deputy Director of Health Services,)
Kolhapur Circle, Kolhapur.)
5. Deputy Director of Health Services,)
Pue Circle, Pune.)
6. The Chief Executive Officer,)
Zilla Parishad, Sangli.)
7. The Chief Executive Officer,)
Zilla Parishad, Satara.)....Respondents

Shri J.S. Deshmukh, learned Advocate for the Applicant.

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 8.08.2016

ORDER

1. Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant, who were appointed initially in the District Technical Service, Class II in Zilla Parishads in the pay scale of Rs.2000-3500 and have qualification of B.A.M.S. The Applicants claim that they were absorbed in under the Government of Maharashtra by G.R. dated 28.5.2001 in the pay scale of Group 'B' posts i.e. Rs.6500-10,500 (5th pay Commission). By G.R. dated 27.2.2006, it was decided to grant pay scale of Rs.8000-13,500 to Grop 'C' Medical Officers working in Zilla Parishads. This pay scale is applicable to Group 'A' posts. The Applicants are claimig that they after 6th Pay Commission, they are entitled to get their pay fixed in the Pay Band of Rs.15600-39,100 plus grade pay of Rs.5400/- on that basis.

3. Learned Counsel for the Applicant argued that this Tribunal has decided the issue of pay scale (Pay Band) applicable to Group 'C' Medical Officers, who were working in District Technical Servic, having B.A.M.S. qualification in the pay scale of Rs.2000-3500. By G.R. dated 28.5.2001, the State Government took a policy decision to absorb them in Group 'B' posts. By another G.R. dated 27.2.2006, the Medical Officers working in Zilla Parishads in the pay scale of

Rs.2000-3500 were given pay scale of Rs.8000-13,500, which is applicable to Group 'A' Officers. The Applicants are identically situated persons as the Applicants in the O.A.No.682 of 2013 and 879 of 2015, which is decided by this Tribunal by judgment dated 11.7.2016. Learned Counsel for the Applicants argued that the present Applicants be given similar reliefs as given to the Applicants in aforementioned O.A.

4. Learned Presenting Officer (P.O.) on behalf of the Respondents admitted that the present Applicants are similarly situated persons as the Applicants in O.A.Nos.682 of 2013 and 879 of 2015.

5. In the aforementioned O.A.s this Tribunal by judgment dated 11.7.2016 has held that Group 'C' Medical Officers, having B.A.M.S. qualification working in District Technical Services under various Zilla Parishads were to be absorbed in the State Government in terms of G.R. dated 28.5.2001. However, such absorption was to be in Group 'B' posts, subject to revision of relevant recruitment rules and such Medical Officers being found fit for appointment to Group 'B' post in Government as per recommendation of the Committee appointed to ascertain whether they were fit for such appointment. Approval of Maharashtra Public Service Commission was also required. Ultimately by G.R. dated 17.10.2014, such Medical Officers have been appointed as Group 'B' Medical Officers in the Government with retrospective effect from 28.5.2001. The names of the

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persons who are absorbed in Group 'B' posts by G.R. dated 17.10.2014 are included in the schedule of that G.R. If the Applicants' names figure in that list, they are absorbed in the State Government in Group 'B' posts. However the claim of the Applicants that they are appointed in Group 'A' posts is without any foundation. By another G.R. dated 27.2.2006, Medical Officers, Group 'C' in Zilla Parishads were given pay scale of Rs.8000-13,500. So the Medical Officers covered by G.R.s dated 17.10.2014 and G.R. dated 28.5.2001 are entitled to receive pay in the scale of Rs.8000-13,500 in the Fifth Pay Commission. As per G.R. dated 11.2.2013, pay of such Medical Officers has been fixed in the pay band of Rs.9300-34800 plus grade pay of Rs.5400/- in the 6th Pay Commission. The present Applicant are also entitled to that pay, if their names figure in the list of Medical Officer, Group 'C' working in Zilla Parishads, who were absorbed in Group 'B' posts by G.R. dated 17.10.2014.

6. This Original Application is accordingly disposed of with no order as to costs.

Sd/-

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 8.08.2016

Place : Mumbai

Dictation taken by : SBA

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