

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.264 of 2019
(Subject : Selection Process)

DISTRICT : PUNE

1. Dr. Mrs. Sangita Sunil Bhujbal)
 2. Smt. Usha Vidyadhar Shinde)
 3. Smt. Charulata Atmaram Patil,)
 4. Smt. Jayashree Vitthal Ghadge,)
 5. Smt. Suvarnamala Pravin Mehendale,)
 6. Mrs. Gayatri Shrikrishna Paranjape,)
 7. Smt. Sarala Sunny Navgire,)
 8. Smt. Mrudala Bipin Phule,)
 9. Shri Vijay Ganpatrao Kadam)
- C/o. Presently working as : Clinical Instructor,)
Clinical Instructor, College of Nursing,)
B.J. Government Medical College,)
Sassoon General Hospital,)
Pune 411 001)

...Applicants.

Versus

1. The State of Maharashtra,)
Through the Secretary,)
Medical Education & Drugs Dept.,)
Mantralaya, Mumbai 400 032)
2. The Director, Directorate of Medical Education &)
Research, 4th floor, Govt. Dental College & Hospital)
Building, St. George Hospital Compound,)
P.D Mello Road, Fort, Mumbai 400 001)
3. The Dean, Sassoon Hospital,)
Jayprakash Narayan Road,)
Near Pune Railway Station,)
Pune 411 001)
4. The Registrar, Maharashtra University of Health)
Sciences, Mhasrul, Vani Road, Nashik 422 004)

.....Respondents.

Shri S.B. Gaikwad, the learned Advocate for the Applicants.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman
Shri P.N. Dixit, Member(A)



DATE : 05.04.2019.

PER : Justice Shri A.H. Joshi, Chairman

J U D G M E N T

1. Heard Shri S.B. Gaikwad, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. This Original Application was heard on 27.03.2019.

3. This Tribunal found that the State is proceedings with direct recruitment without taking decision for promotions of the Applicants, though work and duties of higher posts are being extracted from the Applicants.

4. This Tribunal expected the Government to apply mind and respond. Therefore, this Tribunal directed in the order dated 27.03.2019 as follows :-

"2. This Tribunal expects the Secretary, Medical Education and Research to discuss the matter with learned C.P.O. and then make a statement before this Tribunal on next date, as to the measures he would take to remedy the injustice caused to the Applicants, in the background that :-

- (a) Facts whereof are already the matter of record of the Government, that though Applicants are working on lower posts work of one or two steps higher in hierarchy is being expected from them.
- (b) This was done without giving designation and pay or allowance, admissible under the rules.
- (c) Prima facie, applicants are entitled to promotion in 50% quota for promotes, as per the recruitment rules."

(Quoted from Farad order dated 27.03.2019 of the paper book of O.A.)

5. Today learned C.P.O. Ms. S.P. Manchekar for the Respondents has tendered the copy of communication dated 04.04.2019 received from the office of Respondent No.1 i.e. Principal Secretary, Medical Education and Drugs Department, expressing the stance of the Government, text whereof reads as follows :-

- १) अर्जदार प्रत्यक्ष त्या पदांवर (प्राचार्य / उप-प्राचार्य / प्राध्यापक / सहयोगी / प्राध्यापक / सहायक प्राध्यापक/ तात्पुरत्या स्वरूपात काम करतात. तथापि, त्यांना त्यांच्या मूळ पदाचे (पाठ्यनिर्देशिका / चिकित्सालयीन पाठ्यनिर्देशिका) वेतन व भ-ते देण्यात येतात.
- २) होय. प्रस्तुत प्रकरणातील अर्जदारांना त्यांनी दावा केलेल्या पदांवर नियमित नियुक्तीचे आदेश नसतांना व त्या अनुषंगाने त्यांना पदनाम देण्यात आलेले नसतांनाही ते त्या पदाची कर्तव्ये तात्पुरत्या स्वरूपात पार पाडीत आहेत.
- ३) जाहिरातीद्वारे नविन नियमित पद भरती करून वरील परिस्थितीबाबत उपाययोजना करण्याचे प्रस्तावित आहे.
- ४) प्रस्तावित नियमित भरती प्रक्रिया पार पाडल्यानंतर अर्जदार हे त्यांच्या मूळ पदावर कार्यरत राहतील. त्यांना ते कार्यरत असलेल्या मूळ पदावरील वरिष्ठ पदावर पदोन्नतीने नियुक्ती ज्या दिनांकास दिली जाईल, त्या दिनांकापासून त्यांची सेवाज्येष्ठता ग्रहण धरली जाईल. याबाबत पदोन्नतीने नियुक्तीबाबत विलंब झाल्यास त्यांच्या सेवाज्येष्ठतेवर परिणाम होऊ शकतो.

(Quoted from letter dated 04.04.2019)

6. By virtue of the candid admission of the State revealing from the letter quoted hereinbefore, the job before this Tribunal has become simply and easy. The facts as are emerging on record as foundation of O.A. are not disputed.

7. Grievance of the applicants is demonstrated to be genuine. The likelihood expressed by the State that in the event promotions are delayed, it would definitely effect Applicants adversely and that too without any fault on their part.

8. In this situation, in the interest of justice and in the background that the Government accepts the fact that applicants have been suffering injustice, if the process of promotion ought not be completed, before deciding the claim of the applicants.

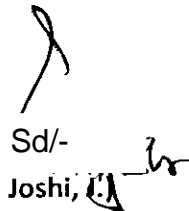
9. It is therefore necessary in the interest that the Government should adopt the sequence of action as follows :-

- (a) First process and complete the matter of promotions of the applicants.
- (b) Thereafter complete process of recruitment of 50% direct recruitment quoted.

10. Now it is up to the State to expedite both things with the foregoing order. This Tribunal orders accordingly and Original Application is allowed in said terms.

11. Parties are directed to bear own costs.

Sd/-
(P.N. Dixit)
Member(A)

Sd/-
(A.H. Joshi, 
Chairman

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 27.03.2019.

M.A.No.144 of 2019 in O.A.No.264 of 2019

Dr. S.S. Bhujbal & Ors.

....Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri S.B. Gaikwad, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-
(P.N. Dixit)
Member(A)

Sd/-
(A.H. Joshi J.)
Chairman

prk