

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

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**O.A.NO. 292/2012 WITH O.A.NO. 293/2012 WITH  
O.A.NO. 294/2012 WITH O.A.NO. 841/2012 WITH  
O.A.NO. 720/2012**

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**01. ORIGINAL APPLICATION NO. 292 OF 2012**

**DISTRICT : - BEED.**

**01. Dr. Vinod Shivajirao Deshmukh,**

Age: 42 years, Occu: Assistant  
Profesor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. Omkar Residency, B Wing,  
Ganeshnagar, Ambajogai Road,  
Latur 413 531.

**02. Dr. Ganesh Ramkishan Tondge,**

Age: 34 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. At post Narwadi Tq. Sonpeth,  
District Parbhani.

**03. Dr. Sudhir Vinayakrao Bhise,**

Age: 38 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. Rajmata Jijau Nagar,  
Ambajogai, District Beed.

- 04. Dr. Pramod Govindrao Salve,**  
Age: 37 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. "Rukmini Niwas", Saptagiri Colony,  
Taroda (BK), Nanded.
- 05. Dr. Ganesh Kishanrao Nikam,**  
Age: 37 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. 'Raigad-6', S.R.T.R. Medical  
College Campus,  
Ambajogai, District-Beed.
- 06. Dr. Sachin Nandkishor Solanke,**  
Age: 32 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. 'Ratnadurga' -B6,  
Medical Campus SRTRMC,  
Ambajogai, District - Beed.
- 07. Dr. Sunil Yogiraj Swami,**  
Age: 40 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. 'Shivkala Niwas', Bhagawanbaba  
Chawk, Gitta Road, Ambajogai,  
Dist. Beed. PIN-431517.

- 08. Dr. Rakesh Ramaratan Jadhav,**  
Age: 34 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. 'Sindhudurg Building', B 5,  
SRTR Medical College Campus,  
Ambajogai, District-Beed.
- 09. Dr. Baburao Bhimrao Jadhav,**  
Age: 36 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. At Post Takwiki,  
TQ & District – Osmanabad.  
PIN- 413506.
- 10. Dr. Dnyaneshwar Shivajirao Jadhav,**  
Age: 39 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. Changdev Nalpe, Ambica Society,  
Prashant Nagar, Ambajogai,  
District-Beed.
- 11. Dr. Vinod Limbnath Vedpathak,,**  
Age: 36 years, Occu: Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o. "Sindudurg", Qu. No. 3,  
SRTR Medical College Campus,  
Ambajogai, Dist.- Beed.  
PIN – 431517 36.

.. APPLICANTS.

**V E R S U S**

1. **The State of Maharashtra,**  
Through the Secretary,  
Department of Medical Education  
& Drugs Department, Mantralaya,  
Mumbai.
  
2. **The Director of Medical Education,**  
Government Dental College and  
Hospital Building, St. George's  
Hospital Compound,  
Mumbai – 400 001.  
Through  
The Director.
  
3. **Swami Ramanand Teerth Government  
Medical College and Hospital,  
Ambajogai, District – Beed.**  
Through  
The Dean. .. RESPONDENTS.

**W I T H**

**02. ORIGINAL APPLICATION NO. 293 OF 2012**

**DISTRICT: - BEED.**

01. **Dr. Sunita Manikrao Handergulle,**  
Age : 45 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – 'Himalaya' Class I quarters,  
Medical Campus, Ambajogai,  
District – Beed.

02. **Dr. Mukund Ramchandra Mogarekar,**  
Age : 42 years, Occu. Professor  
Swami Ramanand Teerth Government  
Medical College and Hospital, Ambajogai,  
R/o – ‘Satpuda’ P-6/4, SRTR Medical  
College Campus, Ambajogai,  
District – Beed.
03. **Dr. Sidheshwar Virbhadrapa Birajdar,**  
Age : 48 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Himalaya’ Class I Qtr,  
Medical Campus SRTRMC,  
Ambajogai, Dist. Beed 431517.
04. **Dr. Shailesh Prabhakarrao Vaidya,**  
Age : 41 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Near Datta Mandir,  
Housing Society, Ambajogai-431517.
05. **Dr. Sudhir Bhaskarrao Deshmukh,**  
Age : 49 years, Occu. Professor,  
Swami Ramanand Teerth Government  
Medical College and  
Hospital, Ambajogai,  
R/o – P-5/1, ‘Sahyadari’, S.R.T.R.  
Medical College Campus,  
Ambajogai, Dist. Beed.  
Pin Code: - 431517.

06. **Dr. Abhimanyu Sadashivrao Tarkase,**  
Age : 45 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Himalaya-3, S.R.T.R. Medical  
College Campus, Ambajogai,  
District: - Beed.
07. **Dr. Maroti Piraji Pote,**  
Age : 38 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Satpuda Building’,  
S.R.T.R. Medical College Campus,  
Ambajogai, District-Beed.
08. **Dr. Hippargekar Prashant Murlidharrao,,**  
Age : 42 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – P-3, ‘Sahyadri’ SRTR Medical  
College Campus, Ambajogai,  
District-Beed.
09. **Dr. Niketan Uddhav Jambhulkar,**  
Age : 44 years,  
Occu. Associate Professor,  
R/o. B-31, Akar Nagar, Katol Road,  
Nagpur (MS).
10. **Dr. Vaishali Bhagwantrao Bhagwat,**  
Age : 37 years, Occu. Assistant

Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Sahyadri’, Class I quarters,  
SRTGR Medical College Campus,  
Ambajogai, District-Beed.

11. **Dr. Satish Babruvahan Mane,**  
Age : 47 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Housing Society, Ambajogai,  
District – Beed.
12. **Dr. Sunita Subhash Dhule,**  
Age : 37 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Chausalkar Colony, Ambajogai,  
District – Beed.
13. **Dr. Rajesh Sahebrao Ovhal,**  
Age : 37 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Pratapgad”, E-II/6, Medical  
Quarters, S.R.T.R. Medical College  
Campus, Ambajogai,  
District – Beed.
14. **Dr. Deepali Madhukar Kulkarni,**  
Age : 36 years, Occu. Assistant

Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Gurukrupa”, Hanuman Mala,  
Near Anand Gas, Ambajogai,  
District – Beed.

15. **Dr. Bagate Arvind Namdeorao,**  
Age : 43 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Sahyadri’, MDP, 1-5-2,  
Medical College Campus, Ambajogai,  
District – Beed.
16. **Dr. Sheela Lakshmanrao Gaikwad,**  
Age : 42 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – C/o Pramod Adnak, “Neha  
Service Centre”, Parali Road,  
Ambajogai, District – Beed.
17. **Dr. Sheshrao Sakharam Chavan,**  
Age : 46 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Sahyadri-4’ Medical Campus,  
SRTRMC, Ambajogai,  
District-Beed.



18. **Dr. Manoj Bhagoji Dongre,**  
Age : 41 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Vindyachal”, P2/4, SRTR Medical  
College Campus, Ambajogai,  
District – Beed.
19. **Dr. Vijay Gangarappa Burande,**  
Age : 37 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Prasant Nagar, Near DCC Bank,  
Ambajogai, district – Beed.
20. **Dr. Deepali Sharadkumar Deo,**  
Age : 36 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – P-3, Sahyadri, SRTR Medical  
College Ambajogai, Dist. Beed.
21. **Dr. Vinayak Srirang Sirsat,**  
Age : 45 years, Occu. Associate  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
Mandakini Hospital, Opp. Bus depot,  
Ambajogai, District – Beed. .. APPLICANTS.

**V E R S U S**

1. **The State of Maharashtra,**  
Through the Secretary,  
Department of Medical Education  
& Drugs Department, Mantralaya,  
Mumbai.
  
2. **The Director of Medical Education,**  
Government Dental College and  
Hospital Building, St. George's  
Hospital Compound,  
Mumbai – 400 001.  
Through  
The Director.
  
3. **Swami Ramanand Teerth Government  
Medical College and Hospital,  
Ambajogai,**  
Through  
The Dean. .. RESPONDENTS.

**W I T H**

**03. ORIGINAL APPLICATION NO. 294 OF 2012**

**DISTRICT: - BEED.**

01. **Dr. Satishkumar Sukhanand Porwal,**  
Age : 31 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – 'Sinhagad I', Doctors Quarters,  
SRTR Medical Campus, Ambajogai,  
District – Beed.

02. **Dr. Anant Karbhari Shingare,**  
Age : 34 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Gowardhan-I,  
SRTR Medical College Campus,  
Ambajogai, District – Beed.
03. **Dr. Dinkar Ravan Kekan,**  
Age : 35 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Block no. 1, Sindhudurg,  
SRTR Medical College Campus,  
Ambajogai, district – Beed.
04. **Dr. Savita Satyanarayan Somani,**  
Age : 31 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Kavita steel Centre, Mangalwar  
Peth, Ambajogai, distrct – Beed.
05. **Dr. Mahendrakumar Gajanan Dhabe,**  
Age : 38 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Sreedhar – Saint Dnyaneshwar  
Nagar, Behind Government ITI,  
Gar Road, Beed.

06. **Dr. Charusheela Sheshrao Halgarkar,**  
Age : 33 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Ratnadurg”, B-II/5Medical  
Quarters, S.R.T.R. Med. Col, Ambajogai,  
District – Beed.
07. **Dr. Vishwajeet Govindrao Pawar,**  
Age : 30 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Anurag Colony, Parli Road,  
Ambajogai, District – Beed.
08. **Dr. Sanjay Bhagwanrao Bansode,**  
Age : 35 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Near Airport, Shivneri Nagar,  
Sangvi, Nanded – 431605.
09. **Dr. Nandkishor Vittalrao More,**  
Age : 31 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – C/o. A.E.PAVAL, SAMARTH NIWAS,  
Behind Police Petrol Pump, Sambhaji  
Nagar, Balepir, Nagar Road,  
Beed – 431122.

10. **Dr. Annasaheb Gulabrao Birajdar,**  
Age : 28 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Kadambari Niwas, Old Adarsha colony,  
Latur,
11. Dr. Deepak Ramrao Lamture  
Age : 39 years, Occu. Assistant  
Professor, Orthopaedics,  
Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Pratapgad E-II/7 SRTRMCH,  
Ambajogai, Dist. Beed.
12. Dr. Nitin Narayanrao Chate,  
Age : 32 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Saubhagya”, Vakilwadi, Kaij,  
Dist. Beed.
13. Dr. Satish Gangaramji Gireboinwad,  
Age : 35 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – 28, Chandranagar Society,  
N-9, CIDCO, Aurangabad 431 003.
14. Dr. Avadhut Narayanrao Dange,  
Age : 29 years, Occu. Assistant

Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – 42, Model Colony, June Solapur,  
Dist. Solapur – 413 004.

15. Dr. Prashant Laxmanrao Dahire,  
Age : 33 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Near Dr. Ambadkar Colony,  
Beed Road, Morewadi, Ambajogai,  
Dist. Beed 431 517.
16. Dr. Manish Mahadeo Tiwari,  
Age : , Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Sindhudurga – 6, Medical Campus,  
Ambejogai, dist. Beed. PIN 413 517.
17. Dr. Amol Ramrao Suryawanshi,  
Age : 29 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – C/O R-B Suryawanshi,  
Dharur Road, Ani Nagar,  
Kaij 431 123.
18. Dr. Avinash Laxmanrao Kashid,  
Age : 31 years, Occu. Assistant  
Professor, R/o Mahatma Phule Nager,

Y.B. Chavan Chowk, Ambajogai,  
Dist. Beed.

19. Dr. Shailendra Dattusingh Chauhan,  
Age : 38 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – c/o Professor D.C. Chauhan,  
Dattakrupa Batteries, Udaynagar,  
Nanded Road, Udgir,  
Dist. Latur.
20. Dr. Ramakant Govindrao Alapure,  
Age : 27 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – At Belgaon, Post Satala,  
TQ. Chakur, Dist. Latur.
21. Dr. Aparna Gundeshwar Kulkarni,  
Age : 32 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Godavari’, Flat No. 6,  
Near Kapil Ganesh Mandir,  
Aadarsh colony, Ambajogai,  
Dist. Beed.
22. **Dr. Prashant Jangonda Pachore,**  
Age : 31 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and

Hospital, Ambajogai,  
R/o – 'Panchalgad -7', SRTR Medical  
College campus, Ambajogai, Dist. Beed.

23. **Dr. Sonal Anil Chaudhari,**  
Age : 29 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
'Panhalgad-7', S.R.T.R. Medical College  
Campus, Ambajogai, Dist. Beed.
24. **Dr. Ajay Baliram Warade,**  
Age : 33 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Plot No. 3, Shree Ganesh Nagar,  
CIDCO N-8, Aurangabad.
25. **Dr. Pawde Apurva Motiramji,**  
Age : 49 years, Occu. Professor,  
Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – 149, Sathe Marg, Dhantoli,  
Nagar.
26. **Dr. Sudhir Laxmanrao Padwal,**  
Age : 44 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – Zade galli, Osmanabad.



27. **Dr. Sandeep Laxmikantrao Nilekar,**  
Age : 46 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – “Kul-Sandeep”, Jaywanti Nagar,  
Ambajogai, dist. Beed.
28. **Dr. Anil Arjunrao Gaikwad,**  
Age : 41 years, Occu. Assistant  
Professor, Swami Ramanand Teerth  
Government Medical College and  
Hospital, Ambajogai,  
R/o – ‘Satpuda’, MD-P-6-3, Medical  
Quarters, S.R.T.R. Medical College  
Campus, Ambajogai, dist. Beed.

-- APPLICANTS

**V E R S U S**

1. **The State of Maharashtra,**  
Through the Secretary,  
Department of Medical Education  
& Drugs Department, Mantralaya,  
Mumbai.
2. **The Director of Medical Education,**  
Government Dental College and  
Hospital Building, St. George’s  
Hospital Compound,  
Mumbai – 400 001.  
Through  
The Director.
3. **Swami Ramanand Teerth Government  
Medical College and Hospital,**

**Ambajogai,**

Through

The Dean.

.. RESPONDENTS.

**W I T H**

**04. ORIGINAL APPLICATION NO. 720 OF 2012**

**DISTRICT: - LATUR.**

01. **Dr. Mahesh Mohan Kadam,**  
Age : 36 years,  
Occupation - Assistant Professor  
(Radiology),  
Government Medical College, Latur.
02. **Dr. Uttreshwar M. Dhumal,**  
Age : 34 years,  
Occupation - Assistant Professor  
(Radiology),  
Government Medical College, Latur.
03. **Dr. Ganesh R. Pawar,**  
Age : 29 years,  
Occupation - Assistant Professor  
(Pharmacology),
04. **Dr. Vinod T. Kandakure,**  
Age : 37 years,  
Occupation - Assistant Professor  
(E.N.T.),
05. **Dr. Ajay Govindrao Ovhal,**  
Age : 34 years,  
Occupation – Lecturer (Skin & VD)

06. **Dr. Vaishali N. Bahattare,**  
Age : 35 years,  
Occupation - Assistant Professor  
(P.S.M.),
07. **Dr. Varsharani V. Kendre,**  
Age : 35 years,  
Occupation - Assistant Professor  
(P.S.M),
08. **Dr. Shivaji S. Phulari,**  
Age : 37 years,  
Occupation - Assistant Professor  
(P.S.M),
09. **Dr. Suraj Rambilas Dhoot,**  
Age : 31 years,  
Occupation - Assistant Professor  
(Medicine), Government Medical  
College, Latur.
10. **Dr. Vimal M. Holambe,**  
Age : 32 years,  
Occupation - Assistant Professor  
(P.S.M),
11. **Dr. Pradip Shankarrao Bodke,**  
Age : 32 years,  
Occupation - Assistant Professor  
(Psychiatry),
12. **Dr. Shital D. Bhavsar,**  
Age : 33 years,  
Occupation - Assistant Professor  
(Physiology),

13. **Dr. Deesha Sonarkhan,**  
Age : 32 years,  
Occupation - Assistant Professor  
(Anatomy),
14. **Dr. Santosh Laxmanrao Munde,**  
Age : 36 years,  
Occupation - Assistant Professor  
(Orthopedics),
15. **Dr. Sham Premkishore Toshniwal,**  
Age : 32 years,  
Occupation - Assistant Professor  
(Medicine),
16. **Dr. Gajanan Chavan,**  
Age : 30 years,  
Occupation - Assistant Professor  
(Medicine),
17. **Dr. Anuj Ingole,**  
Age : 37 years,  
Occupation - Assistant Professor  
(Physiology),
18. **Dr. Prashant Patole,**  
Age : 31 years,  
Occupation - Assistant Professor  
(Anesthesia),
19. **Dr. Kalawati Jaju,**  
Age : 38 years,  
Occupation - Assistant Professor  
(OBGY),

-- APPLICANTS

(All working at the  
Government Medical College and  
Hospital, Latur. )

**V E R S U S**

1. **The State of Maharashtra,**  
Through the Secretary,  
Department of Medical Education  
& Drugs Department, Mantralaya,  
Mumbai.
2. **The Director of Medical Education,**  
Government Dental College and  
Hospital Building, St. George's  
Hospital Compound,  
Mumbai – 400 001.  
Through  
The Director.
3. **Government Medical College and  
Hospital, Latur,**  
Through  
The Dean. .. RESPONDENTS.

**W I T H**

**05. ORIGINAL APPLICATION NO. 841 OF 2012**

**DISTRICT: - NANDED.**

01. **Dr. Jagjeevan Bhagwanrao Deshmukh,**  
Age : 39 years, Occu. Assistant  
Professor (Pharmacology),

Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – House No. 40, 'Kadam Nivas',  
Vivek Nagar, Nanded.

02. **Dr. Abdul Mubashir Abdul Majid Siddiqui,**

Age : 35 years, Occu. Assistant  
Professor (Biochemistry),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – House No. 85, Block No. 16,  
Labour Colony, Nanded 431 602.

03. **Dr. Ganesh Sadashiv Manoorkar,**

Age : 39 years, Occu. Assistant  
Professor (Biochemistry),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – 207, Chintamani Apartments,  
Shiv Vijay Colony, Taroda (Bk), Nanded.

04. **Dr. Humaria Nishat Md. Mujtaba Khan,**

Age : 39 years, Occu. Assistant  
Professor (Biochemistry),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – B-4, Krishna, Medical College  
Campus, Vazirabad, Nanded 431 601.

05. **Dr. Vivek Madhukarrao Gujar,**

Age : 36 years, Occu. Assistant  
Professor (Microbiology),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – Ganga-4, Government Medical

College Campus, Vazirabad,  
Nanded 431601.

06. **Dr. Anil Sheshrao Degaonkar,**  
Age : 41 years, Occu. Assistant  
Professor (Surgery),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – Flat No. 2, Building No. 2, Divali  
Ghivani, Near Kabde Hospital,  
Dr. Bhalchandra Nagar,  
Nanded.
07. **Dr. Saleem Husan Miyan Tambe,**  
Age : 39 years, Occu. Assistant  
Professor (Pediatrics),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – Rupani Building, Qayum Complex  
Compound, Degloor Naka,  
Nanded.
08. **Dr. Mohammed Ubedulla Md. Ataula,**  
Age : 36 years, Occu. Assistant  
Professor (Medicine),  
Dr. Shankarrao Chavan Government  
Medical College, Nanded.  
R/o – C/o. National Medical Stores,  
Himayatnagar, district – Nanded.  
431802.

.. APPLICANTS.

## **V E R S U S**

1. **The State of Maharashtra,**  
Through the Secretary,

Department of Medical Education  
& Drugs Department, Mantralaya,  
Mumbai.

2. **The Director of Medical Education,**  
Government Dental College and  
Hospital Building, St. George's  
Hospital Compound,  
Mumbai – 400 001.  
Through  
The Director.

3. **Dr. Shankarrao Chavan Government  
Medical College, Nanded.**  
Through  
The Dean.

.. RESPONDENTS.

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APPEARANCE : Shri Milind Patil – learned Advocate  
for the applicants in all these cases.  
: Shri S.K. Shirase – learned  
Presenting Officer for the  
respondents in all these cases.

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**CORAM** : **HON'BLE SHRI RAJIV AGARWAL,**  
**VICE CHAIRMAN (A).**  
**AND**  
: **HON'BLE SHRI B.P. PATIL,**  
**MEMBER (J)**

**DATE** : **24<sup>TH</sup> MARCH, 2017.**

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**C O M M O N O R D E R**

**[ Per : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)]**

1. Heard Shri Milind Patil – learned Advocate for the applicants in all these cases and Shri S.K. Shirase – learned Presenting Officer for the respondents in all these cases.
2. These cases were heard together and are being disposed of by a common order as the issues to be decided are similar and interdependent.
3. The Applicants in O.A. No. 292/2012 are Assistant Professors in various Government Medical Colleges, who have been appointed on ad hoc basis. They were appointed prior to 1.1.2006, the date from which the recommendations of the Sixth Pay Commission were implemented. The main issue is whether the Applicants are entitled to get the benefit of Sixth Pay Commission from the date on which it was made applicable to Assistant Professors who were appointed on regular basis.

4. Learned Advocate for the Applicants argued that the Applicants have been working as Assistant Professors in Government Medical Colleges before 1.1.2006. Details are given in Exhibit 'A' (page-27 of paper book of O.A. No. 292/2012). State government had decided to implement the recommendations of the Sixth Pay Commission to its employees retrospectively w.e.f. 1.1.2006 by issuing GRs including Government Resolution dated 10.11.2009 regarding pay scales of Medical Education and Drugs Department – Teachers in Government Medical, Dental and Ayurvedic Colleges. It was decided to grant University Grants Commission (U.G.C.) pay scales to Medical Teachers in Maharashtra with some modifications. For these teachers, who have been lawfully appointed i.e. as per Recruitment Rules and those whose services were regularized in terms of Government Resolution dated 22.1.2009, the revised pay has been made applicable from 22.1.2009 while the revised pay scales have been implemented w.e.f. 1.1.2006. However, for ad hoc appointees, the new pay scales have been made applicable from the date of issuance of Government Resolution dated

10.11.2009. Learned Advocate for the Applicants argued that this provision in Government Resolution dated 10.11.2009 is highly discriminatory and arbitrary. The Applicants are eligible to get their pay fixed in terms of Rule 15 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 from 1.1.2006. Also there are various judgments of Hon'ble Bombay High Court that the ad hoc employees are eligible to get yearly increments and leave and also regarding counting such services for pensionary benefits. Learned Advocate for the Applicants relied on the judgment dated 27.11.2008 of Aurangabad Bench of Hon'ble High Court in Writ Petition No. 3484 of 2005 etc. Learned Advocate for the Applicants also relied upon certain other judgments which are mainly regarding issue of recovery of excess payment.

5. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the details of services rendered by the Applicants have been given by them at Exhibit 'A' (Page Nos. 27-28 of the paper book). Most of them joined service on ad hoc basis, but regularized in service, except

in one case (Dr. D.S. Jadhav). These Applicants were regularized in service by Government Resolution dated 22.1.2009. This Government Resolution provides for regularization of services of ad hoc appointees subject to various terms and conditions. Condition No. (7) reads :

*“(७) तात्पुरती सेवा नियमित केलेल्या अधिव्याख्याता / दंत शल्यचिकित्सक यांना त्यांच्या पूर्वी केलेल्या तात्पुरत्या सेवेचे कोणतेही फायदे मिळणार नाहीत.”*

6. The Applicants have accepted these conditions, when they chose for regularization of their services and now cannot be allowed to turn around and claim benefit of service prior to regularization. In a large number of similar cases, this Tribunal by various judgments has allowed certain benefits to be extended to similarly situated persons. Original Application No. 242/2009 etc. which were heard by Principal Seat of this Tribunal at Mumbai, were restored on the file of Principal Seat of this Tribunal at Mumbai, by orders of Hon'ble Bombay High Court in Writ Petition No. 7681/2011 & others. Principal Seat of this Tribunal at Mumbai, examined the whole issue of benefits, which were available to ad hoc Medical

Officers/Teachers before regularization of their service by Government Resolution dated 22.1.2009 (for Medical Teachers). The judgment of Aurangabad Bench of Hon'ble High Court in Writ Petition No. 3484/2005 etc. dated 27.11.2008 (cited by the Applicants herein) was also duly considered. The judgment of this tribunal dated 26.8.2003 in O.A. No. 149/2003 was quoted as below:-

*“We can, therefore, dispose off the present petition by directing the respondent authorities to ignore all the artificial technical breaks by condoning the same and/ or by sanctioning earned leave in respect of such days of artificial technical breaks. In result, the petitioner shall be entitled to annual increments and leave as is admissible to the ad-hoc appointees.”*

This decision was challenged in Aurangabad Bench of Hon'ble Bombay High Court in W.P. No. 3484/2005 and others, and by judgment dated 27.11.2008, Hon'ble High Court declined to interfere with the orders of this Tribunal.

7. It will be instructive to quote paragraph 9 of the judgment of the Principal Seat of this Tribunal at Mumbai

in O.A. Nos. 242/2009 etc., after the matter was re-examined in the light of the judgment of Hon'ble High Court in Writ Petition No. 7681/2011 & Others. Rule 4 (vii) of Government Resolution dated 2.2.2009, regularizing services of Medical Officers was examined. This rule is identical with condition No. 7 in Government Resolution dated 22.1.2009 regarding regularization of services of medical teachers. Paragraph 9 is reproduced below:

*“9. This Tribunal has directed in O.A. No. 149/2003 (Aurangabad Bench) by order dated 26.8.2003, that the breaks in service are condoned. This judgment was ultimately upheld by order of Hon'ble Supreme Court in State of Maharashtra & another Vs. Sangita etc. in Special Leave Petition No. 18902 – 18915 of 2010. As such, even by the admission of the Respondent No. 1, the Applicants were entitled to get annual increments, during ad-hoc service, if the breaks in service were condoned. In the present case, breaks in service were condoned by this Tribunal based on the decision of this Tribunal in O.A. No. 149/2003 and the decision of Hon'ble Bombay High Court (Aurangabad*

*Bench) in W.P. No. 53484 of 2005, which was confirmed by Hon'ble Supreme Court. It must, however, be clarified at this stage, that only technical breaks in service of one or two days duration were ordered to be condoned by granting earned leave. This was done on the ground of equity. These breaks were not condoned under the provision of any rules. These breaks cannot be said to be condoned under the provision of Rule 48 of the Maharashtra Civil Services (Pension) Rules, 1982, which is regarding condonation of breaks to calculate qualifying service for pension purposes. The Applicants have given undertaking at the time of their absorption under Rule 4 (vii) that they will not claim the service before regularization for, inter-alia, pensionary benefits. None of the orders relied upon by this Tribunal mentioned that rule. The breaks in service were condoned as they were technical in nature and nothing beyond that should be read in the orders/ judgments which is not specifically provided. Needless to say the Applicants were entitled to earn increments in their ad-hoc service, before regularization.”*

8. It was held that ad hoc employees were eligible to get earned leave after 3 years in terms of Government

Resolution dated 1.3.1997, which is reproduced in that order.

This Tribunal also held as follows as regards earned leave:

*“11. We have examined the rules of 2.2.2009 and we are of the opinion that the Applicants are eligible to be granted earned leave and increments during the period of their ad-hoc service and their undertaking in terms of Rule 4 (v) of these rules will not come in their way. However, as per Rule 4 (i), their pay on regularization has to be fixed at the minimum of the pay scale.”*

9. It was held that the ad hoc appointees were eligible to earn increments and earned leave, but they have to follow the provision of rules of 2.2.2009 (G.R. dated 22.1.2009 in the present case) and their pay has to be fixed in the minimum of the pay scale on regularization of their service. We cannot take any different view here. The claim that the Applicants were entitled to count ad hoc



service before regularization for pensionary benefits was not accepted.

10. The Applicants in these Original Applications are, seeking application of Government Resolution dated 10.11.2009 exactly as it was made applicable to regularly appointed Medical Teachers. The reliance is placed on Rule 15 of the Maharashtra Civil Services (Pay) Rules, 1981, which is examined a bit later.

11. We find that the issue regarding benefits of ad hoc service before regularization of services of ad hoc Medical Officers have been decided by the Principal Seat of this Tribunal at Mumbai in a Group of Original Applications No. 242/2009 etc. by judgment dated 2.5.2016. Extracts from the judgment have been quoted extensively by us. It is quite clear that this Tribunal has held that ad hoc Medical Officers can be given benefits of increments and earned leave before regularization of their service. However, after the concerned persons had accepted terms and conditions of regularization, they cannot claim benefits of ad hoc service for any benefit except for

increments and earned leave. Their pay will be fixed at minimum of the pay scale, at the time of regularization of their service. The judgment will be equally applicable to Medical Teachers whose services were regularized in terms of Government Resolution dated 22.1.2009, which includes the present Applicants.

12. The Applicants claim that they are eligible to get benefit of Sixth Pay Commission as has made applicable to regularly appointed Medical Teachers before 1.1.2006. The reliance is placed by the Applicants on Rule 15 of the Maharashtra Civil Services (Pay) Rules, 1981. Rule 15 *ibid* reads as under : -

***“15. When pay of a post is changed.*** – *The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay :*

*Provided that, except in cases where the pay-scale of the post has been changed as a result of change in its duties or responsibilities, he may at his option, retain his old pay until the date on which he has earned his next or any*

*subsequent increment, on the old scale or until he vacates his post or ceases to draw pay in that time-scale. The option once exercised is final.”*

13. The Applicants claim that this rule means that once a Pay Commission recommendation is made applicable, a person is entitled to get the pay from the same date in the new pay scale. On careful reading of this rule, we are unable to accept the contention of the Applicants in this regard. The date on which recommendations of the Pay Commission are to be implemented is in the exclusive domain of the Government. Hon'ble Supreme Court has held in the case of **State of Haryana & Another Vs. Haryana Civil Secretariat Personal Staff Association in Civil Appeal No. 3518 of 1997** that :

*“Fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge. While taking a decision in the matter several relevant factors, some of which have been noted by this Court in the decided cases, are to be considered keeping in view the prevailing financial position*

*and capacity of the State Government to bear the additional Liability of a revised scale of pay.”*

In another judgment viz. ***Union of India Vs. Arun Jyoti Kundu & Others in Civil Appeal Nos. 2468-2469 of 2005***, Hon’ble Supreme Court has observed that:

*“As this Court has clarified in the decisions adverted to, it is for the Government to act on the report of the Pay Commission or either to accept or not to accept its recommendation. Once the recommendations of the pay commission are accepted in full, it could also give effect to it from the date recommended in that behalf.”*

14. It is quite clear that Hon’ble Supreme Court has held that there are various facts which determine the date from which recommendations of a Pay Commission are to be implemented. In the present case, Government has decided to implement 6<sup>th</sup> Pay Commission (U.G.C. Scales) in terms of Government Resolution dated 10.11.2009. A clarification was issued by letter dated 17.1.2012 (Exhibit-

'J' page-53 of the paper book), which has clarified that those Medical teachers, whose services were regularized by Government Resolution dated 22.1.2009, will be eligible to get benefit of revised pay scale only from 22.1.2009. No arrears are admissible for the period from 1.1.2006 to 22.1.2009. This provision is challenged by the present Applicants as being discriminatory and arbitrary. However, it is clear that the present Applicants are a distinct category from those Medical Teachers, who were appointed on regular basis in terms of recruitment rules, before 1.1.2006. They cannot claim that this clarification is discriminatory. It is within powers of the State to determine the date from which benefits of pay commission or revised pay scale would be made applicable to different categories of employees. As the Applicants cannot claim parity with regularly appointed Medical Teachers before 1.1.2006, they cannot claim that the benefits made available to such regular teachers may be extended to them. The Applicants have challenged letter dated 23.1.2012 (Exhibit 'K') from the Respondent No. 1 to the Respondent No. 2. However, no notices have been

given to the Applicants pursuant to this letter for recovery of excess amount pay to the Applicants. In any case, we are not convinced that this letter is ultra vires to the Maharashtra Civil Services (Pay) Rules, 1981. The Applicants must have executed undertakings in terms of paragraph No. 11 (vii) of the Government Resolution dated 10.11.2009, that any excess payment will be recoverable from them. Applicants in O.A. No. 720/2012 were appointed on ad- hoc basis, though the dates of their appointments are not given. Presumably they must have been eligible for regularization of their services under Government Resolution dated 22.1.2009. They have challenged the validity of letter dated 17.1.2012 (Exhibit 'D') from the Respondent No. 1 to the Respondent No. 2. We have already held that this letter is not ultra vires to the Government Resolution dated 10.11.2009. This letter is based on intelligible differentia and is not arbitrary or discriminatory. The Applicants have not furnished any details regarding the date of initial entry in service in this Original Application. Paragraph 8 (i) of Government Resolution dated 10.11.2009 provided for three non-

compounded advance increments at the entry level of recruitment as Assistant Professors passing the degree of MD/MS/DNB/Ph.d. degrees. Paragraph 10 (i) of the Government Resolution provides that non-compounded advance increments/ special allowances as applicable shall take effect from 1.9.2008. From the material on record, we are unable to conclude that the Applicants are eligible for this benefit. In any case, they will be eligible to get benefit under this Government Resolution, if admissible, only prospectively. We again made it clear that the Applicants have failed to make out a case that this benefit is admissible to them.

15. In Original Application No. 841/2012, the Applicants have given details of date of appointment on ad hoc basis in Exhibit 'A' (page 30 of the paper book). All of them were regularized w.e.f. 22.1.2009. The case is similar to case of the Applicants in O.A. No. 292/2012.

16. The Applicants in O.A. No. 293/2012 are working as Associate Professor / Assistant Professors on being

selected through M.P.S.C. However, the Applicant Nos. 13, (Dr. Rajesh Ovhal), 14 (Dr. Deepali Kulkarni), 15 (Dr. Namdeorao Bagate), 16 (Dr. Sheela Gaikwad) have been regularized in terms of G.R. dated 22.1.2009. The Applicants at Sr. No. 18 (Dr. Manoj Dongre) is still working on ad-hoc basis.

17. The Applicants have stated in para 7 (j) of the O.A. that :-

“6(j) It is to be noted that, the view of the Full bench judgment of the honourable MAT as well as the larger bench judgment of the honourable High Court, both are rendered in ignorance to express provisions of the MCSR Pay Rules, 1981, as well as the MCSR Pension Rules, which statutorily confers a right to pay scale and benefits of increments to an employee officiating on a higher post. These Rules also provide for consideration of such officiation as continuous officiation in case such an employee is subsequently regularly appointed or promoted to such higher post. Respective provisions of the MCSR Pay



Rules are discussed at appropriate place in the present application.”

Another ground seeking all the benefits of 6<sup>th</sup> Pay Commission is at paragraph 6 (l) that,

“6(l) Considering the fact that, the employees appointed on temporary basis and employees officiating promotional or higher posts on temporary or ad-hoc basis are also entitled to avail benefits of revised pay scales, the Government of Maharashtra had taken a conscious decision vide Government decision dated 5<sup>th</sup> July, 2002 to pay the difference of 5<sup>th</sup> Pay scale and the pay actually availed by the Government employees, whose appointments were for short durations, including appointments for 29 days.”

18. In O.A. No. 292/2012, the issue whether ad-hoc appointees are similarly situated as appointees whose services are regularized (in terms of G.R. dated 22.1.2009) has been examined in great detail. Starting from the judgment of this Tribunal dated 26.8.2003 in O.A. No. 149/2003, which was confirmed by Hon'ble High Court

(Aurangabad Bench) by judgment dated 27.11.2008 (confirmed by Hon'ble Supreme Court), to the latest judgment of Principal Seat of this Tribunal at Mumbai dated 2.5.2016 in a Group of O.As. No. 242/2009 etc., after those O.As. were remanded by Hon'ble High Court, have been reviewed. It has been held that ad-hoc Medical Officers, regularized by G.R. dated 2.2.2009 cannot claim parity with Medical Officers appointed in accordance with recruitment Rules. It has also been held that Medical Teachers, whose services have been regularized in terms of G.R. dated 22.1.2009 cannot be treated at par with Medical Teachers appointed in terms of recruitment rules. Such Medical Officers / Teachers will be treated at par with those regularly appointed only after regularization of their services. Both G.Rs. dated 2.2.2009 (Medical Officers) and 22.1.2009 (Medical Teachers) have provision that the past services before regularization will not count for any service related benefits. This Tribunal has concluded that in such cases, only increments and earned leave can be earned during ad-hoc service, but on regularization pay has to be fixed at the minimum of the

pay scale. This issue regarding those, whose services were regularized in terms of G.R. dated 22.1.2009, and who are still working on ad-hoc basis has been concluded in O.A. No. 292/2012. In the present case, most of the Applicants were appointed through M.P.S.C. on dates given in Appendix 'A'. They are claiming that their services before regular appointment may be considered for granting them benefits of pay fixation as per 6<sup>th</sup> Pay Commission (U.G.C.) scale from 1.1.2006 and not as clarified by Govt. letter dated 17.1.2012. They have also challenged letter dated 23.1.2012, directing recovery of excess amount paid to them.

19. The Applicants have relied on various rules contained in Maharashtra Civil Services (Pay) Rules, 1981. Rule 11 deals with the fixation of initial pay on appointment in a substantive, temporary or officiating capacity to another post. Rule 17 deals with regard to the officiating pay and how it is related to the substantive pay. The details of the Applicants (as per Exhibit A – Page 26 of the Paper Book of O.A. No. 293/2012) are given as below:-

Sr.No.	Name of Applicants	Details of posting/ promotion
1.	Dr. Sunita Manikrao Handergulle	Appointed as Lecturer through M.P.S.C. on 15.1.1996. Promoted as Associate Professor on 18.8.2001 on ad hoc basis and as Associate Professor on 18.9.2008 on recommendation of E.B.
2.	Dr. Mukund Ramchandra Mogarekar	Appointed as Lecturer through M.P.S.C. on 23.9.1997. Promoted as Associated Professor on 2.5.2003 on recommendation of E.B. and Professor through M.P.S.C. on 23.9.2008.
3.	Dr. Sidheshwar Virbhadrappa Birajdar	Appointed as Lecturer through M.P.S.C. on 20.12.1991. Promoted as Associated Professor on 2.8.2001 on ad hoc basis and thereafter on 5.8.2008 he promoted on the same post i.e. Associate Professor through D.P.C..
4.	Shailesh Prabhakar Rao Vaidya	Appointed as Lecturer through M.P.S.C. on 5.6.1998. Promoted as Associated Professor on 15.6.2002 on ad hoc basis and as Associate Professor on 11.9.2008 on recommendation of E.B.
5.	Dr. Sudhir Bhaskarrao Deshmukh	Appointed as Associate Professor through M.P.S.C. on 01.11.1995. Promoted as Professor on 15.6.2001 on ad hoc basis and thereafter he promoted on the same post i.e. Professor on 19.03.2009 through M.P.S.C.
6.	Dr. Abhimanyu Sadashivrao Tarkase	Selected through MPSC, but no further details are given.

7.	Dr. Maroti Piraji Pote	Appointed as Associated Professor on 30.3.2010 through M.P.S.C.
8.	Dr. Hippargekar Prashant Murlidharrao	Appointed as Lecturer through M.P.S.C. on 7.4.2000. Promoted as Associated Professor on 21.8.2004 on ad hoc basis and as Associate Professor on 25.5.2009 through M.P.S.C.
9.	Dr. Nikam Uddhav Jambhulkar	Appointed as Associate Professor through M.P.S.C. on 27.8.2009.
10.	Dr. Vaishali Bhagwantrao Bhagwat	Appointed as Lecturer through M.P.S.C. on 11.8.2009.
11.	Dr. Satish Babruvaahan Mane	Appointed as Lecturer through M.P.S.C. on 16.02.2009.
12.	Dr. Sunita Subhash Dhule	Appointed as Lecturer through M.P.S.C. on 24.10.2008.
17.	Dr. Sheshrao Sakharam Chavan	Appointed as Lecturer through M.P.S.C. on 12.2.2009.
19.	Dr. Vijay Gangarappa Burande	Appointed as Associate Professor through M.P.S.C. on 08.07.2009.
20.	Dr. Deepali Sharadkumar Deo	Appointed as Lecturer through M.P.S.C. on 23.10.2008.
21.	Dr. Vinayak Srirang Sirsat	Selected through M.P.S.C., but no further details are given.

The prayers in this O.A. are as follows :-

“A. The original application may kindly be allowed and it may kindly be declared that, the

applicants herein are entitled to avail benefit of VIth Pay Revision for the entire period of their officiation of their respective posts and consequential pay fixation as already effected.

B. The Original Application may kindly be allowed and clause 2 of the clarification dated 17<sup>th</sup> January, 2012 issued by the Government and Government order dated 23<sup>rd</sup> January 2012 thereby directing to recover arrears of VIth pay revision inclusive of non-compoundable increments paid to the present applicants may kindly be quashed and set aside by declaring the same as ultra-virus to the MCSR Pay Rules, 1981, as well as the MCSR Revised Pay Rules, 2009.

C. This application may kindly be allowed and the already effected pay fixation considering the tenure of their actual officiation in the present posts, may kindly be protected.

D. Any other relief to which the applicant is entitled may kindly be granted in their favour.”

20. It is clear that the Applicants are actually seeking fixation of pay in the Sixth Pay Commission based on the premise that they were in service on 1.1.2006 at par with regularly appointed Medical Teachers and G.R. dated 10.11.2009 is fully applicable to them. Any recovery in terms of letter dated 23.1.2012 is not applicable in their case and any pay fixation in the present post may be protected.

21. We have already held in O.A. No. 292/2012 that those Medical Teachers, whose services were regularized from 22.1.2009, would not be entitled to get benefits of Sixth Pay Commission before that date. The same principle will apply to those, who have been regularly appointed as Lecturer / Assistant Professor after 1.1.2006. Other Applicants were promoted to higher post after 1.1.2006, and they are claiming that they are eligible to get regular promotional pay scale as per Sixth Pay Commission, even if that promotion was ad-hoc or not based on the recommendation of the Departmental

Promotion Committee (D.P.C.) or Establishment Board (E.B.). This is a sweeping relief claimed by these Applicants, without laying any foundation for claiming the aforesaid relief. No copies of promotion orders are placed on record. Another important issue to be examined whether so called ad-hoc promotions were by way of local arrangement or pay was fixed in the promoted post in the old pay scale. Question of seniority / pay vis-à-vis other officers, who might be senior to such Applicants and were not given ad-hoc promotions will also have to be examined. In short, unless each case is thoroughly examined, it is not possible to take a view on these claims. It can be said that such reliefs are premature, as the Applicants have to first make representation for appropriate fixation of pay quoting relevant rules. Only when a decision is taken by the Respondents and the Applicants are aggrieved, they will be eligible to approach this Tribunal. On the basis of facts, or absence of them, in the present O.A., this prayer of the Applicants cannot be considered and it is not possible to pass any sweeping or omnibus order in this matter.



22. The same applies to relief regarding any excess payment made to the Applicants. In fact, they have not been given any recovery notices nor any order of recovery issued in their cases. In case any notice / orders are passed that the Applicants will have full opportunity to institute appropriate legal proceedings, if aggrieved by any such orders.

The Applicants are not entitled to any relief in this O.A.

23. The Applicants in O.A. No. 294/2012 are still working on ad-hoc basis except the Applicant no. 5 Dr. Mahendrakumar G. Dhabe, Dr. S. Shailendra D. Chauhan Sr. No. 19, Dr. Ramakant G. Alapure Sr. No. 20 and Dr. Aparna G. Kulkarni Sr. No. 21, who were appointed through M.P.S.C., though dates of such appointment through M.P.S.C. have not been given except in the case of Dr. Dhabe. The Applicant No. 25 (Dr. Apurva Pawde) was appointed through M.P.S.C. as Lecturer and promoted as ad-hoc Professor on 18.7.2003. The Applicant at Sr. No.

26 (Dr. Sudhir Padwal) was promoted on ad-hoc basis as Associate Professor on 28.10.2003, after appointment by M.P.S.C. as Lecturer. All the Applicants are covered by facts in the earlier O.As. and are not entitled to any relief.

24. The Applicants in these O.As. are not entitled to get any relief. These O.As. are accordingly dismissed with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

O.A.NO.292-2012 & Gr.(hdd)-2017(DB)  
HDD/ARJ