

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 579/2018 (D.B.)**

- APPLICANTS- 1. Smt.Sunita Bhimraoji Shrikhande  
Aged about 47 Veurs,  
Occupation Service, R/o Majijaoo Colony, Arjunnagar,  
Amravati, Tahsil & District Amravati.
2. Smt. Asha Gangaramji Dabhade, Age About 50 years,  
Occ. Service, R/o Vidhutnaga,  
V.M.V Road, Amravati, Tahsil & District Amravati
3. Smt. Jyoti Panduran Tayade,  
Aged about 47 Years, Occupation Service,  
R/o Ravinagar, Near Sankat Mochan Mandir, Amravati,  
Tah. & Dist. Amravati.
4. Smt. Kanta Marotrao Waikul,  
Aged about 47 Years, Occupation Service,  
R/o Krantinager, Ward No 22, Warud,  
Tah. & Dist. Amravati.
5. Smt. Savita Bajrang Gawai, Aged about 50 Years,  
Occupation Service, R/o Khanzode Residency,  
Paratwada, Amravati, Tah. Achalpur, Dist. Amravati.
6. Smt. Aruna Aakaramji Saraikar,  
Aged about 51 Years,  
Occupation Service, R/o Uttamnagar, Galli No.5,  
Amravati, Old Bypass Road, Amravati,

- Tah. & Dist. Amravati.
7. Smt. Anita Krushnarao Khobragade,  
Aged about 50 Years, Occupation-Service,  
R/o Jaiswal Colony, Near Dental College,  
University Road, Amravati,  
Tah. & Dist. Amravati.
  8. Smt. Savita Anilrao Badukale (Kurahde).  
Aged about 51 Years, Occupation Service,  
R/o Nityanand Colony, Near Rohini Park, Amravati,  
Tah. & Dist. Amravati.
  9. Smt. Rekha Ramchandra Dalal,  
Aged about 51 Years,  
Occupation Service, R/o Janvi Apartment,  
Tapovan Road, Amravati, Tah. & Dist Amravati.
  10. Smt. Ranjana Sadashivrao Rekhate,  
Aged about 53 Years, Occupation Service,  
R/o Paratwada, Brahman Sabha Colony,  
Achalpur, Tah. Achalpur, Dist Amravati.
  11. Smt. Manda Damaduji Bamarde,  
Aged about 51 Years, Occupation Service  
R/o Gayatrinagar Panjabrao Colony,  
Daryapur, Tah. Daryapur,  
Tah. & Dist. Amravati.
  12. Smt. Rajani Sanjay Chitukane,  
Aged about 50 Years, Occupation Service,

R/o Talegaon Dashasar,  
Tah. Dhamangaon Rly., Dist. Amravati.

13. Smt. Bebinanda Parshram Ingole,  
Aged about 52 Years, Occupation Service,  
R/o Wadali Naka, Chandur Rly. Road,  
Amravati, Tah. & Dist. Amravati.
14. Smt. Sandhya Digambar Shahane (Burange),  
Aged about 54 Years, Occupation Service,  
R/o Maharashtra Colony, Morshi,  
Tah. Morshi, Dist. Amravati.
15. Smt. Rajani Pramod Deole, Aged about 54 Years,  
Occupation Service,  
R/o Prithvi Vandan Colony, V.M.V.Road,  
Amravati, Tah. & Dist. Amravati.

**-Versus-**

**RESPONDENTS-**

1. State of Maharashtra, through its Secretary,  
Public Health Services, Mantralaya, Mumbai-32.
2. The Commissioner/Director of Health Services,  
Public Health Department, 3rd Floor, St. George  
Hospital Campus, Arogya Bhavan, Near C.S.T. Mumbai.
3. The Dy. Director of Health Services, Akola Circle, Zilha  
Stri Rugnalaya, Behind Chaudhary Hospital, Akola,  
Tah. & Dist. Akola.

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**Shri D.M.Kakani, Id. Advocate for the applicants.  
Shri V.A.Kulkarni, Id. P.O. for respondents.**

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**Coram :- Shri Shree Bhagwan, Vice-Chairman and  
Shri Shri M.A.Lovekar, Member (J).**

**Dated :- 04/08/2022.**

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**JUDGMENT**

**Per : Vice Chairman.**

Heard Shri D.M.Kakani, Id. Counsel for the applicants and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. The applicants are Staff Nurses and they entered into the service as per the order passed by the respondent no. 2 i.e. Commissioner/ Director, Health Services, Public Health Department, Mumbai. They were allotted to the office of respondent no. 3 i.e. Deputy Director, Health Services at various places in State. Initially as per the policy of the Government they were adopted as a bonded candidate after executing the bond for the two years and thereafter completion of bond period automatically from the date of entry into the service i.e. from the date of allotment they were treated as a government employee.

3. As per the direction given by the Hon'ble Supreme Court of India as well as from Hon'ble Bombay High Court the Director of Health Services has issued a communication to all the Deputy Director vide his letter dated 15.12.2017 (A-3, Pg. No. 86) and letter dated 18.12.2017 (A-

4, Pg. No. 88) that those who were appointed as per order dated 25.08.2005 they should be issued regularization order to such appointee nurses. In view of these circumstances such situated Nurses across the State were given seniority from the initial date of entry into the service.

4. One applicant approached to M.A.T., Mumbai Bench in O.A. No. 900/2016 (A-6, Pg. No. 100) and order was passed on 16.11.2016 "In para nos. 2 & 3 of the order it is mentioned as below":-

*"2. It is clear that the facts herein are apparently such as to be governed by the Judgment of the Division Bench of the Hon'ble Bombay High Court of Nagpur Bench which has been referred to in the said communication.*

*3. The Director Health Services, Mumbai has apparently requested the government to make appropriate orders. Now, if the matter has to be decided in terms of order of the Hon'ble High Court there is no reason why there should be any delay."*

5. The O.A. was again heard on 09.12.2016 and in para no. 2 following observation has been made on page no. 103:-

*“The matter is taken up for final disposal by consent of both the sides. It is clear that the fact at issue involved herein have to be determined in terms of the Judgment of the Nagpur Bench of the Hon’ble Bombay High Court referred to in the communication of the unnumbered second paragraph of the said order dated 16.11.2016. The respondents are directed to decide the case of these applicants in accordance, as mentioned by themselves in that letter of the said Judgment of the Hon’ble Nagpur Bench in W.P.No. 2046/2010 within two months from today and communicate to the applicant the outcome thereof within one month thereafter.”*

6. The matter was again heard by Hon’ble High Court Bombay, Bench at Nagpur in M.C.A. No. 919/2014 in W.P. No. 4835/2012 alongwith various M.C.As. and writ petition and Director, Health Services and Secretary, Health Department was asked to remain present before Hon’ble High Court on 18.07.2016 with clear stand on affidavit in respect of the matter reflected in this order. The matter was again heard on 18.07.2016 and learned Government Pleader submitted Government stand on page no. 121 which is reproduced below:-

*“In response to the order dated 24.06.2016, the ld. Government Pleader Smt. Bharti Dangre has appeared in this matter and submits that the Director and the Secretary of the Department are personally present before this Court. After taking instructions from them, a categorical statement is made by the learned Government Pleader before this Court that all the thirteen complainants shall be regularized in service on the posts of Nurses within a period of one months from today on the same terms and conditions on which the other 5,767 Nurses have been regularized all over the State. The statement made before this Court is accepted as an undertaking to this Court.”*

7. Again the matter was heard on 07.10.2016 and compliance of order in W.P.No.4831/2012 and M.C.A. No. 862/2014 was complied (pg. no. 128).

8. The reply of respondent no. 3 is filed from pages 130 to 141 and it was filed on 15.10.2018 and in para no. 14 he has submitted following details on page no. 136 with a chart para no. 14 is reproduced below:-

*“14. About alleged orders in this para it is submitted that the office of the answering respondent had regularized*

*the services of all the staff nurses as directed in the communication dated 15.12.2017 and 18.12.2017 issued by the Director of Health Services Mumbai including all applicants in this O.A. it is submitted that the applicants have suppressed this fact from the Hon'ble Tribunal the following table denotes the initial date of their appointment.*

<i>Sr. No.</i>	<i>Name of the applicant</i>	<i>Date of appointment</i>	<i>Join on duty first time in service at Zilla Parishad</i>	<i>Date of regularization of services (from initial date of appointment)</i>	<i>Date of repatriate to State Services and their name enrolled to the Seniority list at Dy. Director of Akola</i>
1.	<i>Smt. Sunita B. Shrikhande</i>	<i>02.02.1994</i>	<i>02.02.1994</i>	<i>02.02.1994</i>	<i>04.04.2005</i>
2.	<i>Smt. Asha G.Dabhade</i>	<i>19.01.1991</i>	<i>19.01.1991</i>	<i>19.01.1991</i>	<i>28.05.2005</i>
3.	<i>Smt. Jyoti P. Tayade</i>	<i>31.01.1994</i>	<i>07.02.1994</i>	<i>07.02.1994</i>	<i>02.04.2005</i>
4.	<i>Smt. Kanta M. Waikul</i>	<i>27.08.1993</i>	<i>02.09.1993</i>	<i>02.09.1993</i>	<i>19.05.2005</i>
5.	<i>Smt. Savita B. Gawai</i>	<i>10.06.1990</i>	<i>21.06.1990</i>	<i>21.06.1990</i>	<i>07.04.2005</i>
6.	<i>Smt. Aruna A. Saraikar</i>	<i>12.10.1993</i>	<i>13.10.1993</i>	<i>13.10.1993</i>	<i>11.12.2006</i>
7.	<i>Smt. Anita K. Khobragade</i>	<i>16.06.1990</i>	<i>30.06.1990</i>	<i>30.06.1990</i>	<i>11.06.2005</i>
8.	<i>Smt. Savita M. Badukale (Kurade)</i>	<i>20.12.1991</i>	<i>30.12.1991</i>	<i>30.12.1991</i>	<i>10.05.2005</i>
9.	<i>Smt. Rekha R. Dalal</i>	<i>15.02.1991</i>	<i>27.02.1991</i>	<i>27.02.1991</i>	<i>18.03.2005</i>
10.	<i>Smt. Ranjana S. Rekhate</i>	<i>30.07.1990</i>	<i>14.09.1990</i>	<i>14.09.1990</i>	<i>06.04.2005</i>
11.	<i>Smt. Manda D. Bamarde</i>	<i>07.02.1991</i>	<i>21.02.1991</i>	<i>21.02.1991</i>	<i>05.04.2005</i>
12.	<i>Smt. Ranjna S. Chitukane</i>	<i>14.10.1993</i>	<i>20.10.1993</i>	<i>20.10.1993</i>	<i>11.04.2005</i>
13.	<i>Smt. Bebinanda P. Ingole</i>	<i>14.08.1989</i>	<i>29.08.1989</i>	<i>29.08.1989</i>	<i>15.03.2005</i>
14.	<i>Smt.</i>	<i>08.06.1989</i>	<i>19.06.1989</i>	<i>19.06.1989</i>	<i>17.03.2005</i>



	<i>Sandhya D. Shahane (Burange)</i>				
15.	<i>Smt. Rajni P. Deole (Devankar)</i>	<i>29.04.1989</i>	<i>06.05.1989</i>	<i>06.05.1989</i>	<i>03.04.2005</i>

*From the above table it is clear that the services of the applicants were regularized since the initial date of their appointment. Therefore, it is submitted that though their services became regularized since the initial date of appointment but their names were enrolled in the seniority list maintained at the office of the answering respondent after they had repatriated to the State under the zero seniority of the answering respondent as mentioned in all foregoing paras. Therefore the contentions raised by the applicant in this para are not maintainable.”*

The interpretation of respondent no. 3 is that when applicants were in Zilla Parishad their services cannot be considered as Government service. However, when they were repatriated in Government in 2005/2006 from that date their service will start in Government and their seniority should be counted. However, it is not understood thus how this interpretation has been drawn by respondent no. 3, since Hon'ble High Court and Maharashtra Administrative Tribunal have already clarified that when applicant was working in Zilla Parishad that time also they are working under respondent no. 3 and respondent no. 3

was overall incharge of their services. Hon'ble High Court has already decided the issue involved so also Maharashtra Administrative Tribunal in O.A.No. 900/2016. The ld. Counsel for the applicant has relied on both the Judgments.

9. In view of all the pleadings, applicants are entitled for seniority from date of their joining in the services. Hence following order:-

**ORDER**

- A. The O.A. is allowed in terms of Prayer Clauses 7 (i) and (ii).
- B. Respondent no. 3 is directed to finalize the seniority list as per guidelines issued by Director of Health Services vide its letter dated 15.12.2017 (A-3, Pg. No. 86) and dated 18.12.2017 (A-4, Pg. No. 88) within three months from the date of receipt of this order.
- C. He should also follow the procedure laid down in Government of Maharashtra G.R. dated 21.10.2011 and in the background of Hon'ble High Court Judgment.
- D. No order as to costs.

**(Shri M.A.Lovekar)**  
**Member (J).**

**(Shree Bhagwan)**  
**Vice-Chairman.**

**Dated** :- 04/08/2022.

\*aps.

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

Name of Steno : A.P.Srivastava

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 04/08/2022.

Uploaded on : 05/08/2022.