

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR
ORIGINAL APPLICATION NO. 538 OF 2016 (S.B.)

1. Shri Prabhakar S/o Baliram Muneshwar,
Aged about : 43 years, Occupation - Service,
R/o Bhagi, Post-Dawki, Tal.-Deori,
District-Gondia.

2. Shri Sanjay S/o Sonba Shahare,
Aged about 40 yrs., Occ. Service,
R/o Jawri, Post-Chircharbandh, Tal.-Amgaon,
Distt. Gondia.

3. Shri Iqbal Abdul S/o Sattar Khan,
Aged about 42 yrs., Occ. Service,
R/o Ravishankar Ward, Tahsil-Gondia,
Distt. Gondia.

4. Shri Nilkanth S/o Madhav Bawnkar,
Aged about 48 yrs, Occ. Service,
R/o Ekodi, Tal. Sakoli, Distt. Bhandara.

5. Shri Lakheshwar S/o Nagoji Farkunde,
Aged about 43 yrs., Occ. Service,
R/o Manegaon, Tah. Amgaon, Distt. Gondia.

6. Shri Rajan S/o Damodhar Samrit,
Aged about 44 yrs., Occ. Service,
R/o Rajendra Ward, Tahsil-Tumsar,
Distt. Bhandara.

7. Shri Anil S/o Fulchand Biramgade,
Aged about 42 yrs., Occ. Service,
R/o Nashik Nagar, Tal. and Distt. Bhandara.

8. Shri Rajkumar S/o Janardhan Meshram,
Aged about 51 yrs., Occ. Service,
R/o Tumsar, Tah. Tumsar, Distt. Bhandara.

9. Shri Kishor S/o Namdeo Raut,
Aged about 40 yrs., Occ. Service,
R/o Ambedkar Ward, (Ashok Nagar)
Bhandara, Distt. Bhandara.
10. Shri Ashok S/o Laxman Nerkar,
Aged about 45 yrs., Occ. Service,
R/o Gandhi Ward, Tah. and Distt. Bhandara.
11. Shri Anil S/o Rajaram Bante,
Aged about 43 yrs., Occ. Service,
R/o Deshbandhu Ward, Bajrang Chowk,
Tah. and Distt. Bhandara.
12. Shri Devanand S/o Maroti Meshram,
Aged about 42 yrs., Occ. Service,
R/o Radhakrishna Vihar Colony, Rani
Laxmibai Ward, Khat Road, Bhandara,
Distt. Bhandara.

Applicants**Versus**

- 1) The State of Maharashtra,
Through its Secretary,
Department of Health,
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,
Saint George Hospital Premises,
Mumbai-32.
- 3) The Joint Director, Health Services
(Malaria and Filariasis), In-front of
Police Station Vishrant Wadi,
Yerwada, Pune-6.
- 4) Deputy Director, Health Services,
Nagpur Division, Nagpur.

- 5) Assistant Director, Health Services,
(Malaria & Filariasis), Nagpur Division,
Nagpur.
- 6) District Malaria Officer, Gondia.
- 7) District Malaria Officer, Bhandara.

Respondents

Shri G.G.Bade, the Id. Adv. for the applicants.

Shri A.M.Ghogre, the Id. P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 4th day of May, 2018)

Heard Shri G.G.Bade, the learned counsel for the applicant and Shri A.M.Ghogre, the learned P.O. for the respondents.

2. All the applicants in this O.A. came to be appointed on the post of Multi Purpose Health Workers (Male). They were appointed initially in the year 2000 for the period of two years and subsequently they came to be confirmed in the year 2003 by the District Selection Committee. It is stated, that the proposal was sent by respondent no. 3 vide letter dated 14/11/2013 to the respondent no. 1, whereby the respondent no. 1, was requested to regularize the services of total 167 Multi Purpose Health Workers (Male) including the applicants. In view of the said request, the respondent no. 1 issued a Government Resolution

dated 31/03/2015, whereby the services of 155 employees came to be regularized w.e.f. their date of initial appointments. However, the services of the applicants were not regularized though their names were proposed/ recommended and though they were serving since 2000. The applicants have therefore, prayed direction to respondent no. 1, to extend the benefit of regularization w.e.f. initial date of appointment of the applicants in pursuance of the proposal dated 14/11/2013 forwarded by respondent no. 3 to respondent no. 1. They are also claiming directions to department to grant them monetary benefits arising out of regularization from the date of their initial appointment.

3. The respondent no. 1 i.e. the State has admitted that vide Government Resolution 31/03/2015, the services of 155 Multi Purpose Health Workers (Male) were regularized. According to the respondents though the applicants were serving since 2000, they were appointed through Selection Committee in 2003 and, therefore, the Government Resolution dated 31/03/2015 is not applicable to them. From the para no. 6 of the affidavit-in-reply filed on behalf of the respondent no. 1 05/06/2017, it seems that the services of 155 Multi Purpose Health Workers (Male) came to be regularized w.e.f. their initial date of appointment. In view of the order passed by Maharashtra Administrative Tribunal, Aurangabad Bench in O.A.No. 66/1995, 360/1995, 399/1995, 400/1995, 544/1995, 545/1995, 787/1995, 1209/1998, 1370/1998,

347/1999, 891/1999, 848/2004, 837/2011, vide order dated 13/06/2011. It is also admitted that out of 167 Bounded Health Workers, 155 have been regularized and since the applicants were selected through District Selection Committee their names were dropped from the proposal of regularization.

4. Similar stand has been taken by filing return on behalf of the respondent nos. 1 and 6 on 28/09/2017.

5. It is also the case of the respondents that the respondent no. 3 did not recommend the names of the applicants but he submitted an information of the Bounded Multi Purpose Health Workers vide communication dated 14/11/2013 (Annexure-A-3).

6. From the facts discussed in the aforesaid paras, it will be clear that admittedly the applicants were appointed in the year 2000 also and in any case they were working as Multi Purpose Health Workers prior to the issuance of the Government Resolution. Though the respondent no. 3 has stated that he has merely supplied the information of 167 Multi Purpose Health Workers and not recommended anybody including the applicants, the said proposal/ recommendation shows that the information was called about the Bounded Multi Purpose Health Workers (Male) and this information is regarding 167 Multi Purpose Health Workers (Male). It is material to note that in the said list alongwith letter (Annexure-A-3) the names of all the applicants have

been included and they are shown to be working as a Bounded Health Workers (Male) even prior to 2000 and their names were included in the list of 167 Multi Purpose Health Workers. However, vide G.R. dated 31/03/2015, only 155 Bounded Multi Purpose Health Workers were regularized from their initial date of appointment. It seems that these 155 Bounded Multi Purpose Health Workers are regularized. In view of the Judgments passed by this Tribunal at Aurangabad and Principal Bench at Mumbai, no reasons are given in the said G.Rs. as to why the names of the applicants have been excluded.

7. From the facts on record, it is clear that admittedly all the applicants were working as Bounded Multi Purpose Health Workers from 2000. They were appointed in the year 2000 for initial period of 2 years, and thereafter they were selected through regular Selection Committee in the year 2003. By virtue of the Government Resolution dated 31/03/2015, the services of 155 Bounded Multi Purpose Health Workers (Male) were regularized though they were not selected through regular Selection Committee and merely because the applicants were selected through regular Selection Committee in the year 2003, their earlier services have been ignored. This is nothing but injustice on the applicants because the regularization of 155 workers will get them seniority over the applicants though the applicants are working as Bounded Multi Purpose Health Workers continuously even prior to these

155 workers merely because they were selected through regular Selection Committee. This action on the part of respondent no. 1 to delete the names of the applicants from the list of regularization without assigning any reasons is absolutely illegal and arbitrary. Vide the decision delivered by this Tribunal in various O.As., as already referred, it has been directed that the Bounded Health Workers shall be regularized from the date of their initial appointment and therefore there is no reason as to why such benefits shall be denied to the present applicants. In view thereof, it is clear that the case of the applicants is required to be reconsidered for regularization from the date of their initial appointments. Hence, the following order:-

ORDER

The O.A. is allowed in terms of prayer clause (8)(1)(2) with no order as to costs.

Dated :- 04/05/2018

aps


(J.D. Kulkarni)
Vice-Chairman (J).