

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 185 /2017 (S.B.)**

- 1) Shri Bhayya Motiramji Lambat, Age 58 years,  
Occupation - Retired, Lab Technician, General Hospital Bhandara,  
R/o MIG 8, Mhada Colony, Khat Road,  
Bhandara – 441 901.
- 2) Usha Rajesh Lanjewar, Age 44 Years,  
Occupation – Lab Technician, General Hospital Bhandara,  
C/o Dhage Wada, Hedgewar Square,  
Bhandara- 441 901.
- 3) Shri Mohan Sharad Dhage, Age 54 Years,  
Occupation-Lab Technician, General Hospital Bhandara,  
R/o Narkeshari Ward, Dr. Hedgewar Chowk,  
Bhandara- 441 901.
- 4) Shri Chintaman Kewalram Donode, Age 54 years,  
Occupation – X-Ray Technician, General Hospital Bhandara,  
R/o Rani Lakshmibi Ward, Sahakar Nagar,  
Bhandara – 441 904.
- 5) Shri Walmik Devrao Mehar, Age 44 Years,  
Occupation – X-Ray Technician, General Hospital Bhandara,  
C/o Manish Meshram, Vidyanagar,  
Bhandara- 441901.
- 6) Shri Subhodh Ishwardas Nimbate, Age 45 Years,  
Occupation-X-Ray Technician, General Hospital Bhandara,  
Plot No. 33, Vidhyanagar,  
Bhandara- 441 901.
- 7) Shri Ravindra Shankarrao Fating, Age 33 Years,  
Occupation-X-Ray Technician, General Hospital Bhandara,  
C/o Bhayya Motiramji Lambat, MIG 8, Mhada Colony, Khat Road,  
Bhandara- 441 901.

**Applicants.**

**Versus**

- 1) Government of Maharashtra, through, Director of Health Services,  
8<sup>th</sup> Floor, Arogya Bhavan,  
St. George's Hospital Compound, P.D.Mello Road,  
Mumbai – 400 001.
- 2) Deputy Director, Health Services,  
Shradhanand Peth, Mata Kacheri, Nagpur Division,  
Nagpur.
- 3) District Civil Surgeon,  
General Hospital,  
Bhandara.

**Respondents**

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**Shri T.Rahul, Id. Advocate for the applicant.**

**Shri S.A.Sainis, Id. P.O. for the respondents.**

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

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**JUDGMENT**

**(Delivered on this 04<sup>th</sup> day of October, 2017)**

Heard Shri T.Rahul, learned counsel for the applicant and  
Shri S.A.Sainis, learned P.O. for the respondents.

2. The number of persons including the applicant were appointed on various posts such as Lab Technicians, Blood Bank Technicians and X-Ray Technicians by the respondent no. 2 vide order dated 07/07/2009. According to the applicants, in their appointment order, it was categorically mentioned that they will be entitled for licence fees with their salary. The applicant got a list of employees from respondent no. 3 under the Right to Information Act, in which the name of the employees who are getting licence fees are included. The said list is dated 12/09/2016. According to the applicants, they are entitled to claim licence fees as per the terms and conditions of Government G.R. dated 24/05/2001 and 19/04/2011. They have filed representations in that regard to respondent no. 3 on dated 28/06/2016 and thereafter a reminder to respondent no. 2 on dated 10/01/2016. However, they received no response. The applicants have, therefore, filed this O.A. and the only point to be considered is whether they are entitled for licence fees.

3. The respondent no. 3 has filed reply affidavit. According to the respondent no. 3, the applicants have to file application for seeking rent free accommodation and in case the rent free accommodation is not available, then only on certain terms and conditions, licence fees is granted, otherwise the applicants are entitled to house rent allowance. It

is stated that there are 54 quarters available for the employees working under Civil Surgeon, Bhandara and out of these 54 quarters, only 23 are allotted to the employees and 31 quarters are still lying vacant. Since the applicants have not made any application for rent free accommodation, they can't directly approach the Tribunal.

4. The order vide which the applicants were refused licence fees is at paper book page no. 11. In the said communication, it is mentioned as under:-

mi jkDr I nHHz i =kUo; s vki .A vfrfjDr ?AjHAKMs HARrk oruke/; s ykxw  
 dj.; kph etx.Ah dsysh vkgs 'AkI u ifji =d dækd ?AHAKHA & 1000@iZ  
 dz 61@l dk&5 e=ky; ] epbz 400 032 fnukd 24 es 2001 e/Ahy  
 ifjPNn nku e/; s uen dsyY; k vVh o 'Arhph i qZrk dfjr ul Y; kus  
 vki .AkI vfrfjDr ?AjHAKMs HARrk vuKs ukgh-

5. The relevant G.R. vide which the applicants are claiming licence fees is at paper book page no. 12 and 13 (both inclusive) (Annexure-A-2). Para 2 of the said G.R. is relevant and it is as under:-

'AkI ukP; k fofo/A izAkI dh; foHAKxkA[Akyhy dkgh fof'A"V inkauk R; kR; k I ok'ArhZud kj epbz ukxjh I ok fu; e] 1949 e/Ahy fu; e 850 [Akyhy rjrmhvUo; s HkMekQ fuokl LFAkukph I oGr eatij dj.; kr vkyh vkgs ts depkjh R; kR; k I ok'ArhZud kj] HAKMekQ fuokl LFAku feG.; kl ik= vkgs] ek= T; kauk v'Ah fuokl LFAkusi gfo.; kr vkysyh ukghr] vl sdepkjh [kkyhy vVhph i qrk dj.; kP; k v/Ahu jkgu ojhy (5) ; FAhy vkns AKUo; sfnukad 1 I IVaj] 1990 ikl u] R; kauk R; kR; k osuxVkuq kj I oZ k/Akj .Ai .Asns gkA 'Ad.Akj ?AjHAKMshARrk vf/Ad osukP; k vk/AkjsT; k izdkjpsfuokl LFAku feG.; kl I ad/Ar depkjh ik= vl sy R; k izdkjP; k fuokl LFAkukl kBh vkdkj.; kr ; sAkjs vuqKfir 'Ay'd brdh jDde] HAKMekQ fuokl LFAkukP; k cnY; kr ?AjHAKMs HARrk Eg.Auu feG.; kl ik= vl rhy-

1-'AkI dh; fuokl LFAkusokVi kl kBh mi yC/A ul kohr-

2-'kkl dh; depk&; kR; k dVqkP; k I nL; kR; k frfjDr brj I nL; R; kP; kl kcr jkgr ul kok-

6. The aforesaid clauses in the G.R. thus clearly show that the employees will be entitled to the licence fees only in case the rent free accommodation is not available and no person other than member of their family can reside in such quarters. In the present case, there is nothing on the record to shows that applicants ever applied for rent free quarters, at any, time before approaching this Tribunal and, therefore,

rejection of licence fees cannot be said to be illegal. The best course open to the applicants is that, they shall first make an application to the competent authority for grant of rent free quarters and if after such application is received, the respondents authority intimates the applicants that residential quarters are not available, then in that case, the applicants will be entitled to claim licence fees as admissible. The applicants have failed to prove such entitlement and therefore there is no merits in the O.A. Hence the following order:-

**ORDER**

1. O.A. stands dismissed.
2. No order as to costs.

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

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