

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 798/2016 (S.B.)**

Dr. Rahul S/o Kisanrao Talware,  
Aged 57 years, R/o Tirupati Nagar,  
Darwha Road, Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) Deputy Director of Health Services,  
Akola Circle, Akola.
- 4) The District Health Officer,  
Zilla Parishad, Yavatmal.

**Respondents.**

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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicant.**

**Shri S.A. Sainis, learned P.O. for R-1 to 3.**

**Shri Rahul Tajne, Advocate for respondent no. 4.**

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**WITH**

**ORIGINAL APPLICATION NO. 826/2016 (S.B.)**

- 1) Dr. Anil S/o Abarao Rabade,  
Aged about 59 years, Occ. Retired Medical Officer,  
R/o near Diparchan Mangal Karyalaya, Balaji Plot,  
Amravati.
- 2) Dr. Premanand S/o Motiram Thorat,  
Aged about 59 years, Occ. Retired Medical Officer,  
R/o Shyam Nagar, Amravati.
- 3) Dr. Anilsingh S/o Sabdusingh Raghuwanshi,  
Aged about 59 years, Occ. Retired Medical Officer,  
R/o Dande Plot, Rajapeth, Amravati,  
Distt. Amravati.

**Applicants.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) Deputy Director of Health Services,  
Akola.
- 4) The District Health Officer,  
Zilla Parishad, Amravati.

**Respondents.**

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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicants.****Shri S.A. Sainis, learned P.O. for R-1 to 3.****Shri M.A. Sable, Advocate for respondent no. 4.**

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**WITH**

**ORIGINAL APPLICATION NO. 95/2017 (S.B.)**

Dr. Suryakant S/o Shriram Dalvi,  
Aged about 58 years, R/o Jain Nagada Society,  
Khamgaon, Distt. Buldhana.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) The District Health Officer,  
Zilla Parishad, Buldhana.
- 4) The Chief Executive Officer,  
Zilla Parishad, Buldhana.

**Respondents.**


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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicant.**

**Shri P.N. Warjurkar, learned P.O. for R-1 and 2.**

**Shri P.R. Wagh, Advocate for respondent no. 3&4.**

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**WITH****ORIGINAL APPLICATION NO. 114/2017 (S.B.)**

Dr. Avinash S/o Laxmanrao Deshmukh,  
Aged about 58 years, Occ. Medical Officer,  
Presently posted at Kotha, Distt. Yavatmal.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.

- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) Deputy Director of Health Services,  
Akola.
- 4) The District Health Officer,  
Zilla Parishad, Yavatmal.

**Respondents.**

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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicant.**

**Shri A.M. Ghogre, learned P.O. for R-1 to 3.**

**Shri N. Majethiya, Advocate for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION NO. 403/2017 (S.B.)**

Dr. Vijay S/o Gulabrao Bhojne,  
Aged about 57 years,  
R/o Liberty Tower, 2<sup>nd</sup> floor, Laxmi nagar,  
Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai.
- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) The District Health Officer,  
Zilla Parishad, Nagpur.

**Respondents.**

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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicant.**

**Shri P.N. Warjurkar, learned P.O. for R-1 & 2.**

**Shri S.N. Gaikwad, Advocate for respondent no.3.**

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**WITH**

**ORIGINAL APPLICATION NO. 444/2017 (S.B.)**

Dr. Sanjay S/o Motikisan Ganorkar,  
Aged about 57 years, R/o Abhinav Colony,  
Shegaon Naka, Amravati.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan, St. George Hospital Campus,  
Near CST, Mumbai.
- 3) The Superintendent,  
Central Jail, Amravati.

**Respondents.**


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**Shri N.R. Saboo, Mrs. K.N. Saboo, Advocates for the applicant.**

**Shri A.M. Khadatkar, learned P.O. for the respondents.**

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

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**COMMON JUDGMENT****(Delivered on this 5<sup>th</sup> day of May,2018)**

Heard Shri N.R. Saboo, learned counsel for the applicants (in all O.As.), Shri S.A. Sainis, learned P.O. for respondent nos. 1 to 3 and Shri Rahul Tajne, learned counsel for respondent no.4 (in O.A.798/20146), Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri M.A. Sable, Id. counsel for R-4 (in O.A.826/2016), Shri P.N. Warjurkar, learned P.O. for R-1&2 and Shri P.R. Wagh, learned counsel for R-3&4

(in O.A.95/2017), Shri A.M. Ghogre, learned P.O. for R-1 to 3 and Shri N. Majethiya, Id. counsel for R-4 (in O.A.114/2017), Shri P.N. Warjurkar, learned P.O. for R-1&2 and none for R-3 (in O.A.403/2017) and Shri A.M. Khadatkhar, learned P.O. for the respondents (in O.A.444/2017).

2. The applicants in all these O.As., are / were Medical Officers in the Public Health Centre run by the respondents Health Department.

3. The Government of Maharashtra vide G.Rs. dated 3/9/2015 and 30/06/2015 framed a policy for extension of age of Medical Officers in services, who are getting pay scale of Rs.15600-39100 with grade pay of Rs.5400 and extension of service till the age of 60 years. The respondents, however, adopted pick and choose policy in the matter of extension of service. Some of the Medical Officers working in the Public Health Centre approached this Tribunal. The Hon'ble Tribunal vide order dated 27/10/2016 in O.A. 42/2016 issued direction to respondents to continue the services of similarly situated Medical Officers till the completion age of 60 years. The applicants are therefore claiming benefits of such extension of service period till they attains the age of 60 years in all these O.As.

4. The respondent nos. 1&2 earlier contested the matter and denied the claim. However, on 21/3/2018 the respondent no.2 has filed reply-affidavit and submitted that as per the decision given by Hon'ble High Court in Writ Petition no.6757/2017 the cases of the applicants may be considered and the O.As. be disposed of accordingly.

5. The learned counsel for the applicants has submitted details of each and every applicant as regards the O.A. number, name of applicant therein, the date of completion of age of 58 years, date of pay fixation and posting as Medical Officers at PHC (in O.A.826/2016). The said information has been marked Exh-X for the purposes of identification and it is as under :-

<b>Sr. No.</b>	<b>O.A.No.</b>	<b>Name of the applicant</b>	<b>Date of completion of age of 58 years</b>	<b>Date of pay fixation as Rs. Pay scale of Rs.15600-39100 GP 5400</b>	<b>Posting as Medical Officer at PHC</b>
1	798/16	Dr. Rahul Talware	31/01/17	01/01/2006	Bori Arab
2	826/16	Dr. Anil Rabade	30/11/15	01/01/2006	Amla Vishweshwar
3	826/16	Dr.Premanand Thorat	30/06/15	01/01/2006	Papad Wadhona
4	826/16	Dr.Anilsingh Raghuvanshi	31/07/15	01/01/2006	Dhamangaon Gadhi
5	95/17	Dr. Suryakant Dalvi	31/07/17	01/01/2006	Atali
6	114/17	Dr.Avinash Deshmukh	28/02/17	01/01/2006	Kotha
7	403/17	Dr.Vijay Bhojne	30/06/16	01/01/2006	Kondhali
8	444/17	Dr. Sanjay Ganorkar	31/07/17	01/01/2006	Central Jail, Amravati.

6. The learned counsel for the applicants submits that the Judgment in O.A.42/2016 with O.A.75/2016 passed by this Tribunal passed by this Tribunal on 22/10/2016 (in O.A.826 of 2016) (the copy of which is at Annex-A-12 at P.B. page nos. 33 to 42) was assailed before the Hon'ble High Court and the Hon'ble High Court in Writ Petition no.6757/2017 at its Nagpur Bench vide order dated 5/3/2018 has modified the order of Tribunal.

7. The original order passed by this Tribunal in the O.A. is as under :-

*“The O.A.Nos.42/2016 and 75/2016 stand allowed. The letter dated 26/10/2015 issued by the Deputy Director of Health Services, Akola Circle, Akola in O.A.No.42/2016 is quashed and set aside. The applicants in both the O.As. are entitled to the benefits as per the G.Rs. dated 03/09/2015 and 30/05/2015. It is hereby declared that both the applicants belong to Group-A Medical Officers as required in G.Rs. dated 30/05/2015 and 03/09/2015 issued by the respondent no.1 and are entitled to continue in services till completion of the age of 60 years. The respondents are directed to take steps and to grant all consequential benefits including monetary claims as per the said G.Rs. to the said applicants. No order as to costs.”*

8. The order modified by the Hon'ble High Court in Writ Petition No.6757/2017 is as under :-



*“Hence, for the reasons aforesaid, the Writ Petition is partly allowed. The impugned order of the Tribunal is modified. The part of the order that declares that the age of retirement of the respondent would be 60 years is confirmed. The part of the order that directs the petitioners to release the actual monetary benefits flowing from the declaration in respect of the age of retirement, is hereby quashed and set aside. It is held that the respondent would be entitled to receive the monetary benefits in view of the re-fixation of his salary from the date of the impugned judgment.”*

9. From the aforesaid order it is clear that the part of the order that declares that the age of the retirement of the respondent would be 60 years is confirmed, but the part of the order that directs that the petitioners to release the actual monetary benefits flowing from the decision in respect of age of retirement, is quashed set aside and it is held that the respondent would be entitled to receive monetary benefit in view of re-fixation of his salary from the date of order of this Tribunal.

10. From the Chart (Annex-X) submitted it is clear that the applicants in O.A.No.826/2016, i.e., Dr. Anil Rabade, Dr. Premanand Thorat and Dr. Anilsingh Raghuvanshi have already completed age of 60 years and therefore they cannot be directed to be continued in the service. So far as the other applicants are

concerned, they have not completed their age of 60 years and therefore their claims will have to be accepted. Hence, the following order :-

**ORDER**

All the O.As. are partly allowed. The applicants in O.A. Nos. 798/2016, 95/2017, 114/2017, 403/2017 and 444/2017 shall be allowed to continue in the services till the date they attain the age of 60 years. They will be entitled to claim salary from the date of this order till they attain the age of 60 years. The applicants in O.A. no.826/2016, i.e., Dr. Anil Rabade, Dr. Premanand Thorat and Dr. Anilsingh Raghuvanshi shall be deemed to have retired on attaining the age of 60 years, but they shall not be entitled to claim any arrears of salary till attaining the age of 60 years or arrears thereon. Except as aforesaid the applicants, will be presumed to have been retired on attaining the age of 60 years. No order as to costs.

**Dated :- 05/05/2018.**

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