

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATIONS NO.108, 176 and 197/2016
ORIGINAL APPLICATIONS NO.108/2016

1. Dr. Ravindra B. Bansod,
Aged about 49 years,
Medical Officer,
Primary Health Centre,
Virur Gadegaon, Tq. Korpana
Distt. Chandrapur.
2. Dr. Anil Narayan Kukdapwar,
Aged about 53 years,
Medical Officer,
Primary Health Centre,
Visapur,
Distt. Chandrapur.
3. Dr. Kumdev P. Urkude,
Aged about 56 years,
Medical Officer,
Allopathy Dispensary,
Vhirgaon, Distt. Chandrapur.
4. Dr. Saroj S. Pullakwar,
Aged about 42 years,
Medical Officer, working under District Health Office,
Z.P. Distt. Chandrapur.
5. Dr. Pratibha Kishor Shinde,
Aged about 48 years,
Medical Officer,
Primary Health Centre,
Mudholi, Distt. Chandrapur.
6. Dr. Sarla Govindrao Rangari,

- Aged about 44 years,
Medical Officer,
Ayurvedic Dispensary,
Wansadi, Distt. Chandrapur.
7. Dr. Suprabha Rajendra Junghare,
Aged about 53 years,
Medical Officer,
Primary Health Centre,
Bembal , Distt. Chandrapur.
 8. Dr. Waman Vithobaji Randive,
Aged about 59 years,
Medical Officer,
Distt. Chandrapur.
 9. Dr. Chandrakant G. Paliwar,
Aged about 60 years,
Medical Officer,
Distt. Chandrapur.
 10. Dr. Vijaya Purushottam Dhattrak,
Aged about 48 years,
Medical Officer, Ayurvedic Dispensary, Vittalwada,
Distt. Chandrapur.
 11. Dr. Hiralal Waktuji Meshram,
Aged about 57 years,
Medical Officer, Primary Health Centre, Mudaza,
Distt. Chandrapur.
 12. Dr. Rameshwar Ganpat Bawane,
Aged about 47 years,
Medical Officer, Primary Health Centre, Vyahad Buj,
Distt. Chandrapur.
 13. Dr. Anil Ramdas Raipure,
Aged about 54 years,

Medical Officer, Allopathy Dispensary,
Kolasa, Distt. Chandrapur.

14. Dr. Meena Kawaduji Madavi,
Aged about 45 years,
Medical Officer, Ayurvedic Dispensary,
Rajgad, Distt. Chandrapur.
15. Dr. Purushottam Vitthal Charpe,
Aged about 49 years,
Medical Officer, Primary Health Centre,
Mudholi, Distt. Chandrapur.
16. Dr. Dipak Sakharam Ghonmode,
Aged about 49 years,
Medical Officer, Primary Health Centre,
Shankarpur, Distt. Chandrapur.
17. Dr. Prakash Shiram Kharode,
Aged about 54 years,
Medical Officer, Mobile Health Unit,
Mokhala, Distt. Chandrapur.
18. Dr. Keshav Bijaram Wankar,
Aged about 54 years,
Medical Officer, Ayurvedic Dispensary,
Kodasi,
Distt. Chandrapur.
19. Dr. Sadhana P. Sawale,
Aged about 51 years,
Medical Officer, Ayurvedic Dispensary,
Chikani, Distt. Chandrapur.
20. Dr. Chandrakant Tulasiram Virutkar,
Aged about 43 years,
Medical Officer, Primary Health Center,
Kosarsar,

Distt. Chandrapur.

21. Dr. Ashok Namdeorao Waginwar,
Aged about 62 years,
Medical Officer, retired,R/o Chandrapur
Distt. Chandrapur.
22. Dr. Anand Govindrao Virutkar,
Aged about 56 years,
Medical Officer, Ayurvedic Dispensary,
Vadasi,
Distt. Chandrapur.
23. Dr. Sudam Krishnaji Chapale,
Aged about 66 years, Medical Officer,
Distt. Chandrapur.
24. Dr. Madhukar Shankar Atkari,
Aged about 52 years,
Medical Officer, Ayurvedic Dispensary,
Bhangaram Talpdhi, Distt. Chandrapur.
25. Dr. Mahendra Omkar Chandankhede,
Aged about 52 years,
Medical Officer, Police Hospital,
Nagpur
Distt. Nagpur.

-----**Applicants.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai.
2. The Principal Secretary, Finance Deptt.,
Mantralaya, Mumbai.

3. The Director of Health Services,
Arogya Bhavan, St. Georges Hospital, Campus,
Near C.S.T., Mumbai.
4. The Dy. Director of Health Services,
Nagpur Circle , Nagpur.
5. The Accounts Officer,
Pay Verification Unit, Nagpur.
6. The Chief Executive Officer,
Zilla Parishad, Chandrapur.
7. The District Health officer,
Zilla Parishad, Chandrapur. ----- **Respondents**

-
1. Shri Jayant Deshmukh, Advocate for the applicant.
 2. Smt S.V. Kolhe, Presenting Officer for the Respondents 1 to 5.
 3. Mrs. S.P. Giratkar, Advocate for R/5.
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ORIGINAL APPLICATION NO. 176/2016

- Dr. Kishor Anantrao Koshatwar,
Aged about 54 years,
Medical Officer, Primary Health Centre, Dhanki,
Tq. Umarkhed, Distt. Yavatmal.
2. Dr. Anil Kashiram Sadanshiv,
Aged about 49 years,
Medical Officer, , Primary Health Centre,
Boragaon,
Tq. Ner, Distt. Yavatmal.

3. Dr. Namdeo Parsharam Sarkunde,
Aged about 42 years,
Medical Officer, Primary Health Centre, Shembal
pimpri, Tq. Pusad, Distt. Yavatmal.
4. Dr. Sanjay Bhopidas Jadhav,
Aged about 46 years, Medical Officer,
Primary Health Centre, Harsul,
Tq. Digras, Distt. Yavatmal.
5. Dr. Shamsundar Nanaji Chivane,
Aged about 52 years , Medical Officer,
Primary Health Centre Talegaon, Distt. Yavatmal.
6. Dr. Sanjay Raoji Dudhe,
Aged about 51 years , Medical Officer,
Primary Health Centre Nanza, Tq. Kalamb,
Distt. Yavatmal.
7. Dr. Anil Deorao Ruikar,
Aged about 42 years , Medical Officer,
Primary Health Centre Vidul, Tq. Umarkhed,
Distt. Yavatmal.
8. Dr. Mangilal Bansilal Adane,
Aged about 47 years , Medical Officer,
Primary Health Centre Mardi, Tq. Maregaon,
Distt. Yavatmal.
9. Dr. Jaya Chavan,
Aged about 42 years , Epidemic Medical Officer,
Z.P. Yeotmal.
10. Dr. Rahul Talware,
Aged about 56 years , Medical Officer,
Primary Health Centre Sawali-Sadoba,
Tq. Arni,
Distt. Yavatmal.

-----**Applicants.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai.
2. The Principal Secretary, Finance Deptt.,
Mantralaya, Mumbai.
3. The Director of Health Services,
Arogya Bhavan, St. Georges Hospital, Campus,
Near C.S.T., Mumbai.
4. The Dy. Director of Health Services,
Akola Circle , Akola.
5. The Chief Executive Officer,
Zilla Parishad, Yavatmal
6. The District Health Officer,
Zilla Parishad, Yeotmal. ----- **Respondents**

-
1. Shri Jayant Deshmukh, Advocate for the applicant.
 2. Smt S.V. Kolhe, M.I. Khan, Presenting Officer for the Respondents 1 to 4.
 3. Mrs. S.P. Giratkar, Advocate for R/5 and R/6.
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ORIGINAL APPLICATION NO. 197/2016

Dr. Jayant Madhukar Chiddarwar,
Aged about 50 years , Medical Officer,
Primary Health Centre Wardha, Tq. Ralegaon,

Distt. Yavatmal.

-----Applicants.

2. Dr. Sunilo Pralhadrao Kawre,
Aged about 52 years , Medical Officer,
Primary Health Centre Belura, Tq. Pusad,
Distt. Yavatmal.
3. Dr. Rajendrasingh Bhausansingh Khoware,
Aged about 52 years , Medical Officer,
Primary Health Centre Shirasgaon, Tq. Ner,
Distt. Yavatmal.
4. Dr. Purushottam Bhagwan Napte,
Aged about 48 years , Medical Officer,
Primary Health Centre Wardha, Tq. Ralegaon,
Distt. Yavatmal.
5. Dr. Pralhad Devidas Deshmukh,
Aged about 59 years , Medical Officer, Taluka Health
Officer, Umerkhed R/o post Mulava, Tq. Umarkhed,
Distt. Yavatmal.
6. Dr. Virendra Rajendraparasad Shrivastab,
Aged about 60 years , Medical Officer, Tq. Health Officer,
Mahagaon, Tq. Mahagaon,
Distt. Yavatmal. **-----Applicants.**

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai.
2. The Principal Secretary, Finance Deptt.,
Mantralaya, Mumbai.
3. The Director of Health Services,

Arogya Bhavan, St. Georges Hospital, Campus,
Near C.S.T., Mumbai.

4. The Dy. Director of Health Services,
Nagpur Circle , Akola.

5. The Chief Executive Officer,
Zilla Parishad,
Yeotmal

----- **Respondents**

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-
1. Shri Jayant Deshmukh, Advocate for the applicant.
 2. Shri M.I. Khan, Presenting Officer for the Respondents 1 to 4.
 3. Shri Rahul Tajne, Advocate for R/5.

CORAM : S.S. Hingne: Vice Chairman

DATE : 13th December, 2016

ORDER

All these O.A.s are decided by the common order since the issue involved in these O.As. are same and the parties are also same.

2. Heard Shri J.S. Deshmukh, Id. Counsel for the applicants, Smt. Kolhe, Id. P.O. for R/1 to 5 and Mrs. S.P. Giratkar, Id. Counsel for R/6 and 7. In O.A. No. 197/2016

Shri M.I. Khan, Id. P.O. for R/1 to 4 and Shri Rahul Tajne, Id. Counsel for R/5.

3. The issue relates to the fixation of the pay of the applicants who were initially appointed in Zilla Parishad in the District Technical Service, Group-C. The Id. Counsel for the applicant mainly relied on the judgment rendered in various O.As of this Tribunal deciding the point stake. Different employees have filed the O.As. No.469/2012, 682/2013 and 879/2015 which was decided on 25/6/2015 by the common judgment. The review petition no.25/2015 was preferred against the applicants and the same is also decided on 11/7/2016. Some employees filed the O.A. No.160/2016 which is decided on 8/8/2016. The other set of employees filed the O.As. No.159/2010, 341/2010 and 425/2015 which are decided by the common judgment on 18/10/2016 by the Mumbai Bench of this Tribunal.

4. Vide G.R. dtd. 28/05/2001 the Medical Officers in the District Technical Service, Class-III having BAMS degree

working in various Z.Ps. in the State are given the status of Group-B vide the G.R. dtd. 28/5/2001. Their services came to be transferred from Z.P. to Public Health Department as per order dtd. 21/4/2008. They were granted the pay scale of Rs.8000-13,500 by way of policy decision taken on 27/2/2006. Near about 869 Medical Officers in their cadre were absorbed as Medical officer, Group-B vide G.R. dtd.17/10/2014 in consultation with the MPSC.

5. Considering all these aspects, it was held that they are entitled for the pay scale of Rs.8000-13,500 in the 5th Pay Commission and in the pay band of Rs.9300-34,800+ grade pay 5400 in the 6th Pay Commission as per G.R. dtd.27/2/2006. The Tribunal in the above cases held that the Medical Officers whose names figured in the list of 8/6/2001 in the G.R. dtd. 17/10/2014 are entitled to get the above scale.

6. The anomalous situation is that though they are absorbed in Group-B posts, they are given the pay scale applicable to Group-A officers as per the G.R. dtd. 27/2/2006,

though the G.Rs. dtd. 25/5/2001 does not envisages the Group-A status to such employees. The recruitment rules were also came to be revised. All these aspects are considered in the above O.As. and the same are decided. There is no reason to take other view in the matter.

7. Having regard to the aforesaid facts and circumstances of the case, Medical Officers who were recruited in the District Technical Service, Class-III, and whose names figure in the list of 869 Medical Officers absorbed as Group 'B' Medical Officers in terms of G.R. dtd. 17/10/2014, are eligible to get pay in the scale of Rs.8000-13,500 in the 5th Pay Commission. They are also entitled to get pay in the Pay Band of Rs.9300-34800 + grade pay of Rs.5400/- in the 6th Pay Commission. The present applicants, are also entitled to the above pay scale/pay band if their names figured in the list of Medical Officers, Group 'C' working in Zilla Parishads, who were absorbed in Group 'B' posts by G.R. dated 17/10/2014.

These Original Applications are accordingly disposed of with no order as to costs.

Skt.

**(S.S. Hingne)
Vice-Chairman.**