

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 175 OF 2014

DIST. : OSMANABAD.

Dr. Deepak S/o Mahadeorao Mendekar
Age: 34 years, Occu. Service as Medical
Officer, R/o. Presently working at P.H.C.
Keshegaon, Tq. & Dist. Osmanabad.

.. APPLICANT.

V E R S U S

- 1] The State Government of Maharashtra,
Through its Secretary,
Health Department, Mantralaya,
Mumbai-32.
- 2] The Director,
Health Department,
Mumbai.
- 3] The Deputy Director of Health
Department, Latur,
Ta. & Dist. Latur.
- 4] The Chief Executive Officer,
Zilla Parishad, Osmanabad,
Tal. & Dist. Osmanabad.
- 5] The District Health Officer,
Zilla Parishad, Osmanabad,
Ta. & Dist. Osmanabad.

.. RESPONDENTS.

APPEARANCE :- Shri A.S. Kadam, learned Advocate
for the Applicant.

: Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 to 3.

: Shri K.U. More, learned Advocate for respondent Nos. 4 & 5 (**absent**).

CORAM : **HON'BLE SHRI J.D. KULKARNI,
MEMBER (J)**

DATE : **17TH NOVEMBER, 2016.**

ORAL ORDER

Heard Shri A.S. Kadam – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for respondent Nos. 1 to 3. Shri K.U. More – learned Advocate for respondent Nos. 4 & 5 (**absent**).

2. In the present Original Application the applicant has claimed that the order dated 10th February, 2014 issued by respondent No. 4 i.e. the Chief Executive officer, Zila Parishad, Osmanabad, directing recovery of arrears of excess amount paid to the applicant be quashed and set aside and the respondents be directed not to recover the arrears of excess amount paid to him. Affidavit in reply has already been filed on record.

3. The learned Advocate for the applicant has placed reliance on the order passed by this Tribunal in O.A. Nos. 126, 129 & 215 all of 2014, wherein very similar order of recovery of excess amount was challenged. The said Original Applications were allowed & disposed of by the Aurangabad Bench of this Tribunal vide its order dated 16th August, 2016. The learned Advocate for the applicant submits that similar order can be passed in the present Original Application also.

4. The learned Presenting Officer frankly admits that the case of the applicant is covered by the judgment delivered by the Aurangabad Bench of this Tribunal in the aforesaid Original Applications.

5. In view the above, I pass the following order: -

ORDER

(i) The present Original Application is allowed.

(ii) Impugned communication dated 10.02.2014 issued by respondent No. 4 i.e. the Chief Executive

Officer, Zilla Parishad, Osmanabad, is hereby quashed and set aside.

(iii) The respondents are directed not to recover the excess amount alleged to be paid to the applicant in view of communication dated 10.02.2014.

(iv) Respondents are also directed to protect pay of the applicant, as has been fixed in the month of October/November-2012.

(v) In the facts and circumstances of the case, there shall be no order as to costs.

MEMBER (J)

O.A.NO. 175-2014(hdd)-2016

In view of order dated 21.12.2016 passed in O.A. No. 175/2014 in application for speaking to minutes, the order is corrected as aforesaid.

Date: - 21.12.2016

MEMBER (J)