

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 818/2019(S.B.)**

1. Dr. Shri Pravin Uttamrao Shingade,
aged 50 years, occupation- Service,
R/o 135, Banerjee Layout,
Nagpur-440 027,
Tahsil & District- Nagpur (Maharashtra State)
2. Dr. Shobha Mohan Bhave,
aged- 51 years, occupation- Service,
R/o 6A Nagbhumi Layout,
Chhatrapati Nagar, Nagpur,
Tahsil & (Maharashtra State),
District-Nagpur.
3. Dr. Deepa Parshuram Jahagirdar,
aged- 49years, occupation- Service,
R/o 603-B, Shyam Palace, Congress Nagar,
Nagpur-440 012,
Tahsil & District- Nagpur (Maharashtra State)
4. Dr. Shri Anand Milind Saoji,
aged- 47 years, occupation- Service,
R/o 160, Shivaji Nagar,
Vishnu Kamal Apartments,
Nagpur - 440010,
Tahsil & District-Nagpur (Maharashtra State)
5. Dr. Smt.Sofia H.Azad,
aged- 50 years, occupation- Service,
R/o 3/1, Vali Apartments,

- Chhaoni, Katol Road, Nagpur -440013,
Tahsil & District- Nagpur (Maharashtra State)
6. Dr. Smt.Leena Ajay Deshpande,
aged- 45 years, occupation- Service,
R/o 18-B, Jeevan Jyoti, Rahate Colony,
Wardha Road, Nagpur, Tahsil & District- Nagpur,
(Maharashtra State)
 7. Dr. Shri Satyajeet Manohar Jagtap,
aged 51 years, occupation- Service,
R/o 34, Shankar Nagar, Nagpur- 440010,
Nagpur, Tahsil & District- Nagpur (Maharashtra State).
 8. Dr. Shri Shyam Atmaramji Chhadi,
aged-50 years, occupation Service,
R/o Namakganj Road, Near Prakash High School,
Itwari, Nagpur-440002, Tahsil & District-Nagpur
(Maharashtra State)
 9. Dr. Shri Sanjay Sitaramji Changole,
aged 51 years, occupation- Service,
R/o 43, Shivaji Nagar, Near Road No.1,
Vishwakarma Nagar, Nagpur-440027,
Tahsil & District-Nagpur (Maharashtra State)
 10. Dr. Shri Pravin D.Bhingare,
aged- 45 years, occupation- Service,
R/o 113, Bhausahab Survey Nagar,
Jaitala Road, Nagpur, Tahsil & District-Nagpur.
(Maharashtra State)
 11. Dr. Smt.Kavita Anand Dhabarde,
aged- 45 years, occupation- Service,

R/o Flat No.403, Ganpati Apartments,
Wanjari Nagar, Plot No. 28,
Besides Samrudhi Co- operative Bank Ltd.,
Nagpur, Tahsil & District-Nagpur (Maharashtra State)

12. Dr. Smt.Archana Vaidya,
aged- 55 years, occupation- Service,
R/o C/o Shri Sudhir Pendke,
Plot No.17, Shastri Layout, Jaitala Road,
Nagpur, Tahsil & District-Nagpur (Maharashtra State)

Applicants.

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Medical Education And Drugs,
Office At - 9th Floor, B-Wing,
Gokuldas Tejpal Hospital Building,
Lokmanya Tilak Road, Mumbai-400 001.
2. Director, Medical Education and Research,
Office at 4th Floor,
Government Dental College and Hospital Building,
P. Demelo Road, Fort,
Mumbai -400 010 (Maharashtra State).
3. Dean,
Government Medical College and Hospital (GMC),
Medical Chowk, Hanuman Nagar, Nagpur- 440 009
(Maharashtra State).

4. Dean,
Indira Gandhi Government Medical College
and Hospital (GMC),
(Mayo Hospital), Central Avenue,
Mominpura, Nagpur-440 018 (Maharashtra State).

Respondents.

Shri H.Dangre, Ld. Counsel for the applicants.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

With

ORIGINAL APPLICATION NO.1026/2019(S.B.)

1. Dr. Pravin Shyamrao Uike,
Aged about 39 years; Occu: Service,
R/o, C/o Government Medical College, Gondia.
2. Dr. Prerana Dhananjay Nandedkar,
Aged about 36 years,
Occu: Service, R/o Glat No. 3, building 1,
Medical College Staff Quarter Gorakshan Road, Akola.
3. Dr. Anant Dattatray Dhanwate,
Aged about 37 yrs; Occu: Service,
R/o, C/o Government Medical College Akola.
4. Dr. Pravin Shekokar,
Aged about 44 years;
Occu: Service, R/o Vimal Kunj,
Sudhir colony, Near Quarter No. C-5, Akola 444001.

5. Dr.Vivek Karale,
Aged about 41 yrs,
Occu: Service, R/o Ramdaspath,
Near Mukund Mandir Akola.
6. Dr. Sampada Rajurkar
Aged about 36 yrs,
Occu: Service, R/o, C/o S.D. Rajurkar,
Telecom Nagar, Near Tukaram Hospital Akola.
7. Dr. Pankaj Ram Wadekar,
Aged about 38 yrs; Oceu: Service, R/o Flat R4, Maa
Rameshwari Residence R1, Gokul Colony, Akola-44401.
8. Dr. Leena Khobragade,
Aged about 41 yrs;
Occu: Service, R/o Type 4, Quarter No. 4,
SVN GMC Campus, Yavatmal.
9. Dr. Vaibhav Phad,
Aged about Major,
Occu: Service, R/o Flat No. 1048,
Gokuldharm apartment and
Nagari Pimpalgaon Road, Yavatmal.
10. Dr. Narendra Bachhewar,
Aged about 39 yrs;
Occu: Service, R/o New Type 4,
Quarter No. 13, Medical College Campus, Yavatmal.
11. Dr. Virendra Khadse,
Aged about 40 yrs; Occu: Service,
R/o 181, Darda Nagar, Yavatmal.
12. Dr. Mahendra Pakhale
Aged about 39 yrs; Occu: Service,

R/o Vaishali Colony, Roopvarsha 24,
Near Medical College, Yavatmal.

13. Dr. Gajanan Laxmanrao Maske,
Aged about 41 yrs; Occu: Service,
R/o Type IV, Near Nursing Hostel SVNGMV,
Campus Yavatmal.
14. Dr. Durgesh Deshmukh.
Aged about 36 yrs, Occu: Service,
R/o Plot No. 183, Mangaldeep Nagar,
Manewada, Besa Road, Nagpur.
15. Dr. Archana Kannamwar,
Aged about 36 yrs;
Occu: Service, R/o Type IV,
Near Nursing Hostel SVNGMV Campus,
Yavatmal.
16. Dr. Manoj Bhatnagar,
Aged about 44 yrs;
Occu: Service, R/o Plot No.2B,
Kharbi Road, Shaktimata Nagar, Nagpur
17. Dr. Nilesh Mangam
Aged about 34 yrs;
Occu: Service, R/o War No.12,
Sindhi Colony, Vihirgaon,
at Post Mul, Tlq: Mul,
Dist: Chandrapur - 441224.
18. Dr. Sarika Thakre
Aged about 39 yrs; Occu: Service, R/o Plot No.
55, Borgaon Hill, B/h Dinshaw Factory,
Gorewada Road, Nagpur.

19. Dr. Amol Thakre,
Aged about Major,
Occu: Service, R/o Vaishnavi Apartment,
Paryawaran Nagar, Somalwada,
Nagpur - 440025.
20. Dr. Umesh Joge,
Aged about 38 yrs;
Occu: Service, R/o 49,
Madhuban Colony, Dhamangaon Road,
Yavatmal-445001.
21. Dr. Charuhas Akre,
Aged about 45 yrs, Occu: Service,
R/o New Shukrawari, Fawara Chowk,
B/h Ram Coolers, Nagpur.
22. Dr. Rajashree Meshram,
Aged about 41 yrs;
Occu: Service, R/o Shrirang Niwas,
Plot No. 46, Durganagar Bank Colony,
Manewada Road, Nagpur.
23. Dr. Sandeep Bhelkar
Aged about 44 yrs;
Occu: Service, R/o 34, Vijayanand Society,
Narendra Nagar, Nagpur.
24. Dr. Nita Gathe,
Aged about 37 yrs;
Occu: Service,
R/o, C/o Government Medical College, Gondia.
25. Dr. Vijay Bhalavi,
Aged about 41 yrs; Occu: Service,

R/o Plot No. 43, Narmada Layout,
Near IT Park, Sewagram road,
Warud, Wardha.

26. Dr. Dharam Singh Pawar,
Aged about major; Occu: Service,
R/o. C/o Department of Anaesthesia Government
Medical College, Yavatmal.
27. Dr. Jay Rathed,
Aged about Major; Occu: Service,
R/o. C/o Department of Orthopaedic Government
Medical College, Yavatmal.
28. Dr. Gaurao Pimpale,
Aged about 39 yrs; Occu: Service,
R/o Flat No. 4, Sadguru Regency,
Agrasen Nagar, Behind 4 Bungalows,
Gaurakshan Road, Akola.
29. Dr. Vilas Raghunath Malkar,
Aged about 41 years,
Occupation: Service as Assistant Professor,
at Shri Vasanttrao Naik Government Medical college,
Yavatmal. (Department of Community Medicine).

Applicants.

Versus

1. State of Maharashtra,
through it's Secretary,
Medical Education and Research,
Mantralaya Mumbai - 32.
2. The Medical Education and

Research Department

through it's Director, Mumbai.

3. The Government Medical College,
Akola, through its Dean.
4. The Government Medical College,
Chandrapur, through its Dean.
5. The Government Medical College,
Gondia, through its Dean.
6. The Vasantao Naik Government Medical College,
Yavatmal, through its Dean.
7. The Government Medical College,
Nagpur, Through its Dean.

Respondents

Shri S.S.Ghate, Ld. Counsel for the applicants.

Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 23rd February, 2024.

JUDGMENT

Heard Shri H.Dangre, learned counsel for the applicants in O.A.No.818/2019, Shri S.S.Ghate, counsel for the applicants in O.A.No.1026/2019 and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. In both O.As. grievances of the applicants are common. They have prayed common relief. Therefore, both O.As. are decided by this Common Judgement.

3. During the course of submission, the learned counsel for the applicants Shri S.S.Ghate has filed copy of the G.R. dated 08.11.2023. It is marked Exhibit-X for identification.

4. Case of the applicants in short is as under-

The applicants in O.A.No.818/2019 were appointed in the year 2009 as per the Chart given below-

Sr. No.	Name	Educational Qualification /Year	Particulars of appointment/s (Period, Post Selected through)
1.	Dr. Shri Pravin Uttamrao Shingade	M.B.B.S. (1991) M.D. General Medicine (1997)	<ul style="list-style-type: none"> 01/03/1999 to 19/10/2008 as Lecturer through Divisional Selection Board. 20/10/2008 to 10/01/2017 as Lecturer Assistant Professor through MPSC. 11/01/2017 till date as Associate Professor through MPSC.
2.	Dr. Shobha Mohan Bhawe	B. Ph. T (1988) M. Ph. T (2004)	<ul style="list-style-type: none"> 24/07/1997 to 21/01/2009 as Lecturer through Divisional Selection Board. 22/01/2009 to till date as Assistant Professor through regularization as per G.R..
3.	Dr. Deepa Parshuram Jahagirdar	M.B.B.S. (1993) M.S. General Surgery (1997)	<ul style="list-style-type: none"> 01/01/1998 to 21/01/2009 as Lecturer through Divisional Selection Board. 22/01/2009 to 06/08/2009 as Assistant Professor through regularization as per G.R.. 07/08/2009 till date as Associate Professor through MPSC.

4.	Dr. Shri Anand Milind Saoji	M.B.B.S. (1993) D.N.B. Psychiatry (2000)	<ul style="list-style-type: none"> • 30/08/1998 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to 08/09/2015 as Assistant Professor through regularization as per G.R.. • 09/09/2015 till date promoted as Associate Professor.
5.	Dr. Smt. Sofia H. Azad	B.Tho. (1989) M.Sc. (Occupational Therapy) (1995) Ph. D. (OT) (2019)	<ul style="list-style-type: none"> • 22/02/1999 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to till date as Assistant Professor through regularization as per G.R..
6.	Dr.Smt.Leena Ajay Deshpande	B.Tho. (1994) DROT (1997) M.Tho. (2004) Ph. D. (OT) (2019)	<ul style="list-style-type: none"> • 11/11/1999 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to till date as Assistant Professor through regularization as per G.R..
7.	Dr.Shri Satyajeet Manohar Jagtap	M.B.B.S. (1991) M.S. (Ortho) (1993)	<ul style="list-style-type: none"> • 01/04/1994 to 15/04/2010 as Lecturer through Divisional Selection Board. • 16/04/2010 to till date as Associate Professor through MPSC.
8.	Dr.Shri Shyam Atmaraji Chhadi	M.B.B.S. (1992) M.D. Radiology (1997)	<ul style="list-style-type: none"> • 22/02/1999 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to 07/10/2010 as Lecturer/Assistant Professor through regularization as per G.R.. • 08/10/2010 to till date as Associate Professor through MPSC.
9.	Dr. Shri Sanjay Sitaramji Changole	M.B.B.S. (1991) M.S. General Surgery (1995)	<ul style="list-style-type: none"> • 03/12/1996 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to 04/03/2009 as Assistant Professor through regularization as per G.R.. • 05/03/2014 to till date promoted as Associate Professor.
10.	Dr.Shri Pravin D.Bhingare.	M.B.B.S. (1997) M.S. General Surgery (2000)	<ul style="list-style-type: none"> • 29/03/2000 to 21/01/2009 as Lecturer through Divisional Selection Board.

			<ul style="list-style-type: none"> • 22/01/2009 to 29/11/2013 as Lecturer Assistant Professor through regularization as per G.R.. • 30/11/2013 to till date as Associate Professor through MPSC.
11.	Dr.Smt. Kavita Anand Dhabarde	M.B.B.S. (1995) M.S. Ophthalmology (1999) DNB (Ophthalmology) (2000)	<ul style="list-style-type: none"> • 28/03/2000 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to 17/09/2009 as Lecturer/ Assistant Professor through regularization as per G.R. • 18/09/2009 to 13/10/2016 as Assistant Professor through MPSC. • 14/10/2016 to 18/01/2017 Ad-hoc Associate Professor. • 19/01/2017 to till date Associate Professor through MPSC.
12.	Dr. Smt. Archana Vaidya	M.B.B.S (1986) M.D. Anaesthesia (1991)	<ul style="list-style-type: none"> • 08/07/1993 to 21/01/2009 as Lecturer through Divisional Selection Board. • 22/01/2009 to till date as Lecturer/Assistant Professor through regularization as per G.R.

5. All applicants in this O.A. prayed to quash and set aside the communication dated 02.02.2019 by which there ad-hoc services were not taken into consideration for continuity in service. All the applicants have prayed that they should be treated as regular employee from the date of their initial appointment and all the benefits of pay fixation shall be given by taking into account of their service from the date of their initial appointment. Hence, all applicants approached to this Tribunal for the following reliefs-

i) Set aside and quash communication dated 02/02/2019 (Annx- 35) issued by the office of Secretary, Department of Medical Education And Drugs, Government of Maharashtra addressing to Director Medical Education And Research and Deans of all Medical Colleges thereby seeking to restrict continuity in the services of applicants right from the date of their initial appointments as granted by various judicial pronouncements, only for the purpose of annual increments and earned leave and depriving the applicants from revision of their pay scales as per Government Resolution dated 10/11/2009 (6th Pay Commission) i.e. revised Pay Band plus Academic Grade Pay i.e. their services prior to 21/01/2009 (date of regularization of service) will not be taken into consideration and for computing the benefits of annual increments and other benefits, their pay scales would be as per earlier 5th Pay Commission and not 6th Pay Commission;

ii) Direct the respondents to fix revised pay scale/Band alongwith Academic Grade Pay to applicants as per Government Resolution No. PAY-2009/C.R.181/09/Vaiseva-2, dated 10/11/2009 with respect to "revision of pay scales of Medical Education And Drugs Department-Teachers in Government Medical/ Dental and Ayurvedic Colleges" by treating them in continuous service with effect from their initial/first date of appointment and grant them all consequential benefits thereof along with interest and within stipulated period;

iii) Direct the respondents to compute and grant the annual increments and other consequential benefits to the applicants on the basis of revised pay scale fixed as above by treating their services as continuous with effect from the date of their initial / first appointment and as per judgment and order dated 05/04/2010 passed by Hon'ble Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur in various Original Applications and subsequent order dated 16/08/2017 passed

by Hon'ble High Court of Judicature At Bombay, Nagpur Bench, Nagpur in Writ Petition No. 5143/2010, alongwith interest and within stipulated period;

iv) Direct the respondents to pay difference / arrears of annual increments and other benefits to applicants by computing the same as per revised pay scale fixed as above alongwith interest and within stipulated period;

v) Allow the present application with cost on respondents;

vi) Grant any other relief or pass any other order, which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the matter.

Interim order/relief, if any, prayed for :-

The applicants reserve their right to claim interim order/ relief at appropriate stage if so necessitated during the pendency of the present proceedings.

6. In O.A.No.1026/2019, the applicants have claimed that they were appointed in the year 2009 (pg.24). They were appointed as per the Chart given below-

Sr. No.	Name of Applicant	Date of Birth	Department	Date of Ad-hoc Appointment	Date of Regularization	Mode of Regularization	Posting	Designation	Date of Ad-hoc Promotion if any
1	Dr. Pravin Uike	22.02.1980	Pharmacology	01.01.2011	24.10.2016	Regularized	GMC Gondia	Asstt. Professor	No
2	Dr. Purna Nandedkar	27.11.1983	Biochemistry	21.01.2013	24.10.2016	Regularized	GMC Akola	Asstt. Professor	No
3	Dr. Anant Dhanwate	24.02.1982	Anatomy	04.09.2010	20.07.2012	MPSC	GMC Akola	Ad-hoc Associate Professor	04.09.2015
4	Dr. Pravin Shekokar	18.10.1975	Physiology	02.04.2004	22.01.2009	Regularized	GMC Akola	Asstt. Professor	No
5	Dr. Vivek Karale	13.04.1978	OBGY	01.02.2012	24.10.2016	Regularized	GMC Akola	Asstt. Professor	No
6	Dr. Sampada Rajurkar	03.05.1983	PSM	19.09.2013	24.10.2016	Regularized	GMC Akola	Asstt. Professor	No
7	Dr. Pankar Wadekar	11.01.1981	Anatomy	10.02.2010	07.12.2012	MPSC	GMC Akola	Asstt. Professor	No
8	Dr. Leena Khobragade	11.10.1978	Anatomy	01.04.2013	24.10.2016	Regularized	VNGMC Yavatmal	Asstt. Professor	No

9	Dr. Vaibhav Phad		Anatom-y	24.08.2011	24.10.2016	Regularized	VNGMC Yavatmal	Ad-hoc Associate Professor	No
10	Dr. Narendra Bachhewar	22.06.1980	Pharma-cology	01.04.2010	24.10.2016	Regularized	VNGMC Yavatmal	Asstt. Professor	03.10.2017
11	Dr. Virendra Khadse	29.04.1980	Pathalo-gy	25.07.2011	24.10.2016	Regularized	VNGMC Yavatmal	Asstt. Professor	No
12	Dr. Mahendra Pakhale	22.07.1980	Bioche-mistry	11.09.2008	24.10.2016	Regularized	VNGMC Yavatmal	Asstt. Professor	No
13	Dr. Gajanan Maske	05.07.1978	Anatom-y	01.01.2011	24.10.2016	Regularized	VNGMC Yavatmal	Asstt. Professor	No
14	Dr. Durgesh Deshmukh	07.10.1983	Microbi-ology	25.07.2011	21.03.2016	MPSC	VNGMC Yavatmal	Ad-hoc Associate	14.11.2017

7. Their grievances are that the respondents have communicated by communication dated 02.02.2019, stating that applicants are not entitled to get benefit of regular service from the date of their initial appointment. It is the contention of the applicant that they were appointed on a full vacancy by completing all the procedure. Hence, they are entitled for regularisation of their service from the date of initial appointment. They are entitled to get the benefit of pay fixation of 5th Pay and 6th Pay. Hence, all applicants approached to this Tribunal for the following reliefs-

i) By suitable order or direction be pleased to call for R & P in the matter of communication dated 02/02/2019 and upon perusal of the same be pleased to hold and declare that the communication dated 02/02/2019 at Annexure - 10 passed by respondent. No.1 is quashed and set aside. Further be pleased to hold and declare that the applicants are eligible for benefits when the applicants were and are on ad-hoc

basis for the benefits of pay protection, yearly increment and earned leave;

ii) By allowing the application extend the benefits yearly increment, pay protection and earned leave till the period the applicants are regularized and the monetary benefits as per 4th Pay be extended within stipulated period together with interest @12%;

iii) Allow this application with costs;

iv) Grant any other or further relief as may be deemed fit and proper in the facts and circumstances of the present case.

INTERIM ORDER, IF ANY:

i) By an interim order during pendency and final disposal of the original application, stay the effect, operation and execution of the impugned communication dated 02/02/2019 and incidental recovery be stayed, in the interest of justice.

ii) Grant Ad - interim order in terms of Prayer Cl. 10] i)

iii) By an further interim order direct the respondents to fix the pay of all the employees as per 7th Pay Commission by calculating the yearly increments earned by them during their service on Ad-hoc basis.

8. Both O.As. are strongly opposed by the respondents by filing their respective replies. It is the condition that applicants are

appointed temporary on ad-hoc basis. Therefore, their temporary service cannot be counted for the purpose of granting regular pay. Their services were not regularised from the date of their initial appointment. Hence, they are not entitled for the reliefs.

9. During the course of submission, the learned counsel for the applicants have pointed out the G.R. dated 08.11.2023. The material portion of the G.R. is reproduced below-

शासन निर्णय :-

मा. उच्च न्यायालय, मुंबई मधील रिट याचिका क्र.२३०३/२०१९, महाराष्ट्र शासन विरुद्ध डॉ. राजेश गायकवाड व इतर ही याचिका मागे घेण्यास शासन मान्यता देण्यात येत आहे.

२. उक्त याचिकेतील सन २००५ पूर्वी नियमित पदावर अस्थायी सेवेत कार्यरत असलेल्या व दि.०२.०२.२००९ रोजीच्या अधिसूचनेन्वये (सन २००९ व सन २०१० अशा दोन टप्प्यात) नियमित सेवेत समावेश झालेल्या सर्व वैद्यकीय अधिकारी, गट-अ यांना महाराष्ट्र प्रशासकीय न्यायाधिकरण (मा. मॅट, मुंबई) यांच्या आदेशानुसार नियमित पदावर केलेल्या अस्थायी सेवेच्या कालावधीतील तांत्रिक खंड अर्जित रजेमध्ये रुपांतरीत करून सदर सेवा कालावधीतील अर्जित रजा व वार्षिक वेतनवाढी मंजूर करून सदरचे वैद्यकीय अधिकारी समावेशनापूर्वी नियमित पदावर ज्या तारखेला अस्थायी स्वरूपात सेवेमध्ये प्रथमतः हजर झाले त्या तारखेपासून आजपावेतोची वेतननिश्चिती करण्यास सदर शासन निर्णयाद्वारे मान्यता देण्यात येत आहे.

३. तसेच विधि व न्याय विभागाच्या दि.२८.०२.२०१७ च्या परिपत्रकातील तत्व/निर्देश दि.०२.०२.२००९ रोजीच्या अधिसूचनेन्वये (सन २००९ व सन २०१०

अशा दोन टप्प्यात) समावेशन झालेल्या उर्वरित वैद्यकीय अधिकारी, गट-अ (एस-२०) यांना लागू करण्यात येऊन त्याचे देखील नियमित पदावर केलेल्या अस्थायी सेवेच्या कालावधीतील तांत्रिक खंड अर्जित रजेमध्ये रुपांतरीत करून सदर सेवा कालावधीतील अर्जित रजा व वार्षिक वेतनवाढी मंजूर करून सदरचे वैद्यकीय अधिकारी समावेशनापूर्वी नियमित पदावर ज्या तारखेला अस्थायी स्वरूपात सेवेमध्ये प्रथमतः हजर झाले त्या तारखेपासून आजपावेतोची वेतननिश्चिती करण्यास सदर शासन निर्णयाद्वारे मान्यता देण्यात येत आहे.

10. The learned counsel for the applicants Shri H.Dangre has submitted that all applicants / Doctors were appointed by following due procedure. They were appointed on full vacancy. They were appointed on permanent post. Therefore, their services cannot be treated as ad-hoc services. The G.R. is very clear. The learned counsel for the applicant has submitted that as per this G.R., all benefits of pay fixation shall be given from the date of their initial appointment. Hence, at last submitted that the O.A. be allowed as prayed.

11. The G.R .dated 08.11.2023 is very clear. By this G.R. impugned communication dated 02.02.2019 is considered in the recent G.R. dated 08.11.2023. As per clause 3 of the G.R., all the Doctors who were appointed before 2009 shall be given all the benefits of pay fixation by treating their service as regular service from the date of their initial appointment.

12. In view of the G.R. dated 08.11.2023, the applicants are entitled to get all the benefits of pay fixation of 5th and 6th Pay Commissions by treating their services as regular services from the date of their initial appointment. Hence, the following order.

ORDER

1. The O.As. are allowed as prayed.
2. The impugned communication dated 02.02.2019 is hereby quash and set aside.
3. The respondents are directed to pay all the benefits to the applicants of 5th and 6th Pay Fixation and subsequent Pay Commission by treating their services as regular services from their initial date of appointment.
4. The respondents shall complete all these exercise for pay fixation etc. and pay all benefits to all applicants within a period of six months from the date of the receipt of this order.
5. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 23/02/2024
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 23/02/2024.
Uploaded on : 29/02/2024.
