

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

DISTRICT : BEED

**ORIGINAL APPLICATION NO.74/2015
WITH
ORIGINAL APPLICATION NO.78/2015**

O.A.No.74/2015

Dr. Girish s/o Hanmant Thite,
Age : 61 years, Occ : Ex. Asst. Professor
(Statistics) in department of P.S.M. in S.R.T.R.
Govt. Medical College,
Ambajogai, Dist. Beed.
R/o. Satpuda Building,
Medical College Campus,
Ambajogai, Dist. Beed.

õ APPLICANT

O.A.No.78/2015

Dr. Vijay s/o Vasant Rao Deshpande,
Age : 60 years, Occ : Ex. Asst. Professor
(Statistics & Demography) in department of OBGY
In S.R.T.R. Medical College,
Ambajogai, Dist. Beed.
R/o. Vijay Durga-2,
S.R.T.R. Medical College Campus,
Ambajogai, Dist. Beed.

õ APPLICANT

V E R S U S

- 1) The Government of Maharashtra,
Through The Secretary,
Medical Education and Drugs Department,
9th floor, Administrative Building,
Gokuldas Tejpal Hospital Campus,
Lomkanya Tilak Marg, Mumbai-400 001.

- 2) The Director,
Medical Education and Research
St. George Hospital Compound,
4th floor, Government Dental College Building,
Near C.S.T., Mumbai-400 001.
- 3) The Dean,
S.R.T.R. Government Medical College,
Ambajogai, Dist. Beed.
- 4) The Jt. Director (Administration),
Directorate of Accounts and Treasuries,
New Government Barack No.15 and 16,
Plot No.176, Free Press Journal Marg,
M.S. Mumbai-400 021. ò COMMON RESPONDENTS

APPEARANCE : Shri M.R.Kulkarni learned Advocate for the
Applicants.

Shri I.S.Thorat, learned Presenting Officer for
respondents.

CORAM: Hon^{ble} Shri Rajiv Agarwal, Vice-Chairman and
Hon^{ble} Shri J.D.Kulkarni, Member (J)

DATE: 21st October, 2016.

ORDER

[PER: VICE-CHAIRMAN]

Heard learned Advocate Shri M.R.Kulkarni for the
Applicants and Shri I.S.Thorat learned Presenting Officer for the
Respondents.

2. These O.As. were heard together and are being disposed of by a common order as the issued to be decided are identical.

3. Learned Advocate for the Applicant in O.A.No.74/2015 argued that the Applicant was appointed on 13-01-1978 as Statistician cum Lecturer and was later regularized as Assistant Professor (Statistics). The age of superannuation for teachers in Medical Colleges was 58 years, which was increased to 62 years by G.R. dated 30-04-2010 issued by the Respondent No.1. Learned Advocate for the Applicant argued that the Applicant is also entitled for increase in date of superannuation accordingly. Learned Advocate for the Applicant argued that the Applicant in O.A.No.78/2015 was appointed as Assistant Professor (Statistics and Demography). He is also eligible to retire at the age of 62.

4. Learned Advocate for the Applicants stated that the Principal Bench of this Tribunal by judgment dated 25-07-2014 in O.A.No.72 of 2011 has decided this issue. The Applicant in that case was also working as Assistant Professor in Health Education and Family Welfare, in Grant Medical College, Mumbai. This Tribunal held that G.R. dated 05-03-2011, issued for the teachers of Non-agricultural Universities in the State will be applicable to non-medical teachers working in Medical Colleges. For teachers in Medical Colleges, G.R. dated 30-04-2010 was issued and

subsequently, another G.R. dated 28-04-2014 was issued which raised the age of retirement of teachers holding medical qualifications further to 63 years. After considering all these G.Rs., this Tribunal held that for teachers having non-medical qualifications in Medical College, G.R. dated 05-03-2011 for teachers in non-agricultural universities will be applicable and they will retire at the age of 62 years. Learned Advocate for the Applicants argued that the Applicants are eligible to retire at 62 years and not 58 years.

5. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that G.R. dated 29-04-2014 clearly mentions that teachers in Medical Colleges without medical qualifications are not granted extension in age of retirement. Such teachers are to be retired at the age of 58 years as Government servants.

6. Principal Bench of this Tribunal by judgment dated 25-07-2014 in O.A.No.72/2011 has examined this issue at great length. G.Rs. dated 30-04-2010 and 29-04-2014 issued by the Medical Education and Drugs Department and G.R. dated 08-03-2011 issued by Higher and Technical Education Department has been examined. It is true that the G.Rs. dated 30-04-2010 and 29-04-2014 are applicable to teachers working in Medical Colleges having medical qualifications. However, this

Tribunal has held that teachers having non-medical qualifications working in medical colleges have to be treated at par with teachers working in non-agricultural Universities, for whom G.R. dated 05-03-2011 is applicable. As per this G.R. age of superannuation for teachers in non-agricultural universities and colleges has been raised from 58 to 62 years. The aforesaid judgment of this Tribunal is squarely applicable in the present case. The Applicants are teachers in Medical Colleges, having non-medical qualifications and are eligible to be retired at the age of 62 years.

7. The Applicants have challenged orders dated 23-01-2015 issued by the Respondent No.3. The same are quashed and set aside. The Applicants are held entitled to retire on superannuation at the age of 62 years. However, it is clarified that they are not covered by G.R. dated 28-07-2014. These O.As. are allowed accordingly with no order as to costs.

(J. D. Kulkarni)
MEMBER (J)

(Rajiv Agarwal)
Vice-Chairman