

BEFORE THE HON'BLE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH, AT MUMBAI

ORIGINAL APPLICATION NO.

OF 2024

DISTRICT:PUNE

Dr.Nawalsing Chavan

...APPLICANT

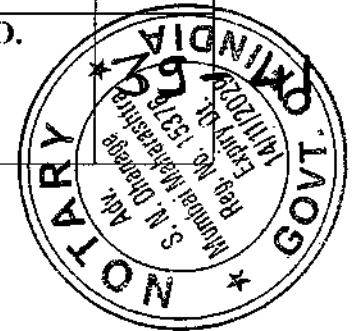
Vs

State Of Maharashtra & ors.

...RESPONDENTS

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Date: 04.02.2024

Place: Mumbai


Advocate for Applicant
Mohini A. Rehpage



A

BEFORE THE HON'BLE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, AT MUMBAI

ORIGINAL APPLICATION NO.

OF 2024

DISTRICT: MUMBAI

Dr.Nawalsing Chavan

...Applicant

Versus

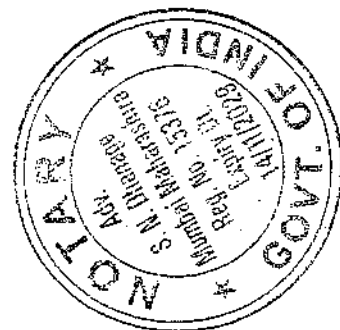
State Of Maharashtra & Ors.

...Respondents

SYNOPSIS

1. CHALLENGE IN BRIEF:

The Applicant is filing the present Original Application seeking directions to the State Government to enhance the age of retirement of Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) till 62 years by amending the Rule 10(1) of Maharashtra Civil Service (Pension) Rules, 1982.



B

2. DATES AND EVENTS:

<u>SR. NO.</u>	<u>DATE</u>	<u>EVENT</u>	<u>EXH</u>	<u>PG. NO</u>
	23.02.2022	The age of retirement was again reduced to 60 years by amending the Rule 10 (1) of the MCS (Pension) Rules, 1982 vide notification dated 23.02.2022.		
1.		The copy of the Maharashtra Civil Service (Pension) Rules.	A	
2.	29.08.2018	Copy of Government Resolution dated 29.08.2018.	B	
3.	01.07.2019	The copy of the Government Resolution dated 01.07.2019	C	
4.	09.08.2021	The copy of the Government Resolution dated 09.08.2021	D	
5.	23.02.2022	The copy of the Notification dated 23.02.2022.	E	
6.		The copy of the Affidavit in Reply.	F	
7.	05.04.2023	Representations to the Respondent authority for extending their retirement age.	G	
8.		The chart indicating the vacancies currently existing in the state of Maharashtra.	H	
9.		The copy of the Judgement of B. Prabhakar Rao and Others vs. State of Andhra Pradesh and Others.	I	
10.	19.07.2016	The copy of the Order dated 31.05.2016 along	J	



C

		with office memorandum dated 19.07.2016.		
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3. POINTS TO BE URGED:

1. By way of appropriate ad-interim ex-parte orders, protect the services of the Applicant, during the pendency of the present petition.
2. Grant ad-interim ex-parte stay in terms of prayer clause (i) to (ii) above.
3. Grant any other relief deemed fit and proper in the circumstances of the case in favour of the Applicant;


4. ACTS TO BE CITED:

1. Government Resolutions.
2. Maharashtra Civil Service (Pension) Rules, 1982.
3. Constitution Of India.
4. Other Acts at the time of argument.

5. AUTHORITIES TO BE CITED

Authorities will be cited during the pursuance of the proceedings.

Date: 04/12/2024
Place: Mumbai


Advocate for Applicant
Mohini A. Rempade



BEFORE THE HON'BLE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, AT MUMBAI

ORIGINAL APPLICATION NO.

OF 2024

DISTRICT: MUMBAI

Dr.Nawalsing Chavan

)

Age: 59 yrs, Occ.: Doctor

)

At: Takshshila Society, Konark Nagar

)

Adgaon Shivar, Nashik – 422 401.

Mobile No. – 9767023057

)

) ...Applicant

VERSUS

1. The State of Maharashtra, Through)

the Principal Secretary, Public Health

Department, 10th Floor, G.T. Hospital)

Compound, Government of)

Maharashtra Mantralaya, Mumbai-32.)

...Respondent No. 1

2. The State of Maharashtra, through its)

Secretary, Public Health Department,

10th Floor, G.T. Hospital Compound,)

Mantralaya, Mumbai.)

...Respondent No. 2



3. The Commissioner of Health &)
Mission Director, National Health)
Mission, Maharashtra State, Arogya) ...Respondent No. 3
Bhawan, St. George Hospital
Compound, Near C.S.T. Mumbai.
4. The Director of Health Services,)
Arogya Bhawan, St. George Hospital) ...Respondent No. 4
Compound, Near CST, Mumbai.
5. The Under Secretary, Public Health)
Department, 10th Floor, G.T. Hospital) ...Respondent No. 5
Compound, Mantralaya, Mumbai.

I. PARTICULARS OF THE APPLICANT:

As per the title.

II. PARTICULARS OF THE RESPONDENT:

As per the title.

III. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Applicant is filing the present Original Application seeking directions to the State Government to enhance the age of retirement of Officers in District Civil Surgeon, Specialist, Police Surgeon and



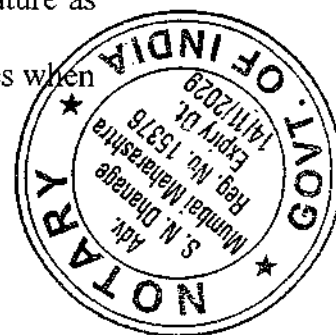
Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) till 62 years by amending the Rule 10(1) of Maharashtra Civil Service (Pension) Rules, 1982. The copy of the Maharashtra Civil Service (Pension) Rules, 1982 is hereto marked and annexed as **Annexure A**.

IV. JURISDICTION OF TRIBUNAL:

The Applicant state that, the offices of the Respondents are in Mumbai and the Applicant is/was working as in the Public Health Department. Therefore, this Hon'ble Tribunal has the jurisdiction to try the present Application.

V. LIMITATION

The Applicant states that, considering that the nature of the relief being sought, the Applicant is well within the limitation to approach the Hon'ble Tribunal as the Applicant is working in the Public Health Department and that the current retirement age as prescribed in the Maharashtra Civil Service (Pension) Rules, 1982 is 60 years therefore the present Application is filed well within limitation and also the cause of action is continuous in nature as the Applicant shall be retired by the Respondent Authorities when



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they complete 60 years of age; therefore, the Applicant is approaching the Hon'ble Tribunal well within the period of limitation.

VI. DETAILS OF REMEDIES EXHAUSTED:

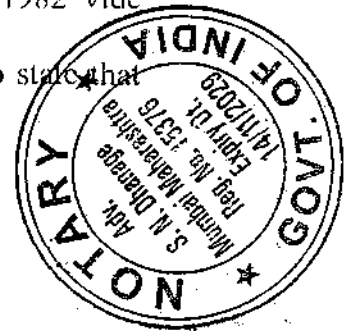
That, the Applicant is seeking general directions to the State Government of Maharashtra for enhancement of the age of retirement till 62 years by virtue of carrying out amendment in Rule 10 (1) of the MCS (Pension) Rules, 1982 and issuing a gazette notification accordingly. That, the Applicant is due to retire when they respectively turn 60 years of age. Therefore, there is no other efficacious remedy left with Applicant other than to approach this Hon'ble Tribunal.

VII. FACT OF THE CASE:

1. The Applicant was serving as a medical officer was relieved as on 31.05.2023, was last serving as Medical Superintendent at Rural hospital, Nashik. The Applicant is a senior permanent doctors working the Public Health Department for the Government of Maharashtra. The Respondent No. 1 to 5 are the regulating authorities in determining the age of superannuation of the Applicant having their addresses more particularly mentioned at the cause title of the Original Application.



2. The abovementioned Applicant have joined the Government of Maharashtra as permanent doctors providing health care services in the Public Health Department. The abovementioned doctor have been serving the State Government since last 30 years in various districts of the State with complete determination.
3. That, all the Applicant having been attained the age of 60 years shall be retired by the State Government in the month of the year when they turn 60 year by virtue of Rule 10 (1) of the MCS (Pension) Rules, 1982. The Applicant is still serving in the Public Health Department. The Applicant is aggrieved by the Rule 10(1) Maharashtra Civil Service (Pension) Rules, 1982 whereby the age of retirement has been arbitrarily decided even when the state government has time and again fluctuated the age of retirement till 62 years by virtue of Government Resolution dated 01.07.2019 which was extended 31.05.2021 and that the same was continued by virtue of Government Resolution dated 09.08.2021 for a period of another 1 year i.e. 31.05.2022 and subsequently the age of retirement was again reduced to 60 years by amending the Rule 10 (1) of the MCS (Pension) Rules, 1982 vide notification dated 23.02.2022. The Applicant also state that



there is a shortage of senior doctors in the entire state of Maharashtra and the districts hospitals are running without having any senior doctor to take control of the administration. Copy of Government Resolution dated 29.08.2018 is already annexed herewith and marked as **Annexure B**. The copy of the Government Resolution dated 01.07.2019 is hereto marked and annexed as **Annexure C**. The copy of the Government Resolution dated 09.08.2021 is hereto marked and annexed as **Annexure D**. The copy of the Notification dated 23.02.2022 is hereto marked and annexed as **Annexure E**.

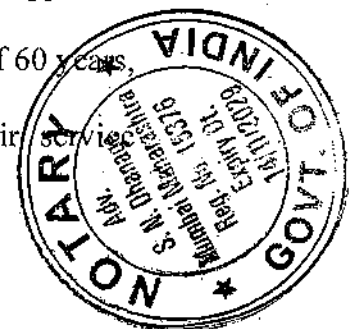
Sr No.	Government Resolution	Effective Date	Retirement Age
1.		31.05.2015	60
2.	01.07.2019	01.05.2019	62
3.	09.08.2021	31.05.2021	62
4.	23.02.2022	01.02.2022	60

4. The Applicant submit that, he is working with the Respondents till date. In addition to the same, the Applicant is discharging his duties as such till date. Apart from that, the



Applicant is an extremely accomplished officer in the field of State service.

5. The Applicant further state that the retirement of NHM specialists e.g. IPIIS specialists is above 65 years and upto 70 years. It is pertinent to note that the department is taking contractual specialists on retirement of 65 upto 70 years depending upon requirements and retiring the Permanent doctors goes on to show that the retirement of regular medical officers, specialists and administrators at the age of 58 years is completely against the principles of equality and natural justice.
6. The Applicant submit that, he is governed by the Maharashtra Civil Service (Pension) Rules, 1982, as amended from time to time. Rule 10 (1) prescribed the age of retirement to be 60 years as attained by the employee on the afternoon of the last date of month where he attains such age. The Applicant is turning 60 in the Month of February, 2026.
7. It is submitted that, the Applicant have attained the age of 58 years. However, since the concerned Rule 10 (1) was amended vide amendment dated 23.02.2022, the Applicant got the benefit on the extended age of retirement of 60 years as such the Applicant continued to be in their service.



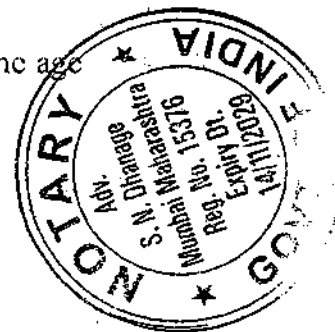
thereafter. However, as per the Respondents, the abovementioned Applicant is to be retired when they turn 60 years as per relief granted to them by the Hon'ble Courts wherein the amendment in MCS (Pension) Rules, 1982 is challenged, apparently misinterpreting the Government Resolution dated 29.08.2018 to hold that the extension in age provisions are operational only till 31.05.2023. However, the same is a completely different issue and the Applicant through the present Original Application is seeking directions to the State government to consider the age of retirement of the Applicant doctor and their entire cadre at par with the Doctors in the Central Government and enhance the same till 62 years. The Applicant, without prejudice to their rights and contentions, crave leave to refer and rely upon the order by the appropriate forum protecting their services till they attain the age of 60 years as and when permitted by this Hon'ble Tribunal.

8. Be that as it may, the Applicant have initially placed on record, the statutory provisions and administrative regulations regarding the age of retirement. As submitted earlier, the Rule 10 (1) of the Maharashtra Civil Service (Pension) Rules, 1982 prescribed the age of 58 years.



However, the Respondent No. 1 has been instrumental from time to time in extending the age of retirement from 58 years to 60 years. To that extent the Respondent No. 1 had initially issued Government Resolution dated 30/05/2015, 30/06/2015 and 03/09/2015. Since the said decision to extend the date of retirement was by way of an executive decision, the same was quashed and set aside when challenged and decided by the Hon'ble High Court in Writ Petition No. 5402/2018, by the coordinate bench of this Hon'ble court at Aurangabad. However, the Respondent State has thereafter issued appropriate clarifications to overcome the anomaly and as such the Government Resolution dated 29.08.2018 was issued whereby the age of retirement was increased from 58 years to 60 years, with further resolution that an appropriate amendment to Maharashtra Civil Service (Pension) Rules, shall also be executed. Copy of Government Resolution dated 29/08/2018 is already annexed herewith and marked as Annexure B.

9. It is relevant to note that the State of Maharashtra was finding it very difficult to have experienced and qualified hands in the field of medical service and as such, it was considered imperative to extend the age of retirement further to the age

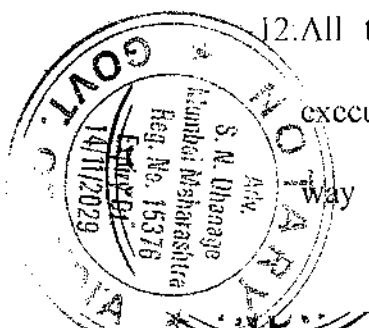


of 62 years. Accordingly, the Government Resolution dated 01.07.2019 was issued which was applicable to all the health officers rendering direct patient services thereby increasing their age of retirement from 60 years to 62 years. It is relevant to note that such the extension was operational only till 31.05.2021.

10. Eventually, the Government Resolution dated 09.08.2021 was also issued further confirming that the extension of retirement to that of 62 years is under consideration and the same has been approved in the cabinet meeting of the Respondent State.

11. It is relevant to note that the Government Resolution dated 09.08.2021 was essential, as the entire world was battling with Covid-19 and it was not possible for the State Government to recruit new officers and new hands emergently and to address exigency of the situation created by the Covid-19, the age of retirement was further extended up to 62 years. It is relevant to note that such extension was operational from 31.05.2019 to 31.05.2022.

12. All these Government Resolutions which expressed the execution will of the State have finally been incorporated by way of amendment to Rule 10 (1) of the Maharashtra Civil



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Service (Pension) Rules, 1982, vide amendment dated 23.02.2022 as published in the official gazette notification Part A No. 4.

13. The Applicant submits that the perusal of the proviso to section 10 (1) as introduced vide amendment reads as such:

"(iv) for both the provisos as so added, the following provisos shall be substituted and shall be deemed to have been substituted with effect from the 1st June 2022, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years....."

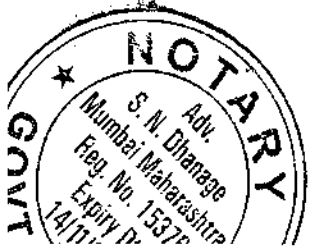
Provided also that, the above provisos shall be in force till the 31st May 2023"



14. The Applicant therefore submit that the composite reading of the Government Resolutions and the recent amendment to the Rule 10 (1) of the Maharashtra Civil Service (Pension) Rules, 1982 suggests with clarity that the state government itself has not been able to formulate a standard age of retirement for the medical officers serving in the state of Maharashtra. That, the Respondent authorities in their reply filed in one of the Original Application which is pending for adjudication before the Hon'ble Tribunal had sought to place reliance upon one of the note addressed by the Public Health Department to the law and Judiciary seeking clarification on the Notification dated 23.02.2022. This goes on to prove that the concerned department itself is not very clear regarding the appropriate age of superannuation of the Medical Officer like the present Applicant. The copy of the Affidavit in Reply is hereto marked and annexed as **Annexure F**.

15. The Applicant have been making appropriate representations to the Respondent authority for extending their retirement age on 05th April, 2023. Copy of such representations made by the Applicants to different competent authorities dated 05.04.2023 are annexed herewith and marked as **Annexure**

G.



16. It is further submitted that the Applicant have contributed majorly to medical services in across the state of Maharashtra, and have also become an indispensable hand and a vital guiding light for the entire region. As such several groups and communities have submitted similar representations on behalf of the Applicant requesting that the Applicant's age of retirement needs to be extended.

17. That the Applicant submit that they have been consistently performing in their office and have contributed immensely to the field of medical service. However, the Respondent authorities are acting arbitrary and unreasonably in misinterpreting the Maharashtra Civil Service (Pension) Rules to the disadvantage of the Applicants and the entire region.

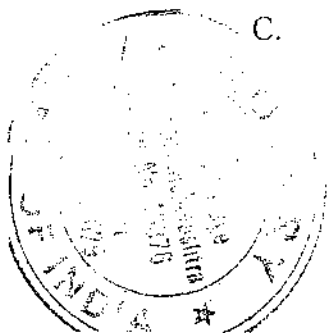
18. The Applicant is therefore aggrieved by arbitrary and unreasonable act of Respondent authorities by time and again enhancing the age of doctors till 62 years and subsequently bringing it down to 60 years at their own whims and fancies and also by not giving the benefit of enhanced age of retirement with the doctors working in the central government thereby are being subjected to discrimination and are being deprived of right to equal opportunities violating Article 14



16 and 21 of Constitution of India, 1950. Being aggrieved by the same, the Applicants are approaching this Hon'ble Tribunal on the following grounds amongst others.

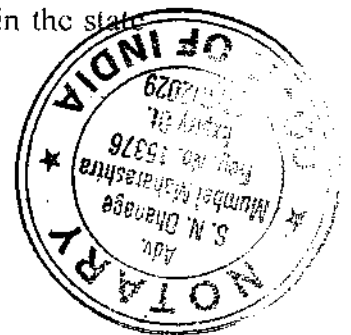
VIII. GROUNDS

- A. That, it ought to be considered, that the State governments decision to render differential treatment having different age of retirement is not supported by any intelligible differentia. There is no justification offered by the state government as to why the same set of medical officers of the same cadre and same pay scale can enjoy the benefit of 62 years as age of retirement merely on the basis of their age or date of birth whereas the ones with the different age or date of birth are being deprived of the said 62 years as the age of superannuation.
- B. That, the said action of the Respondent to render differential treatment to the medical officers like the applicant in regard to the age of retirement is not only violative of Article 14 and 16 of the Constitution of India but also violative of principles of natural justice.
- C. That, the Respondents ought to consider enhancing the age of retirement of the applicant positively to 62 years considering the great dearth/vacancies of the medical

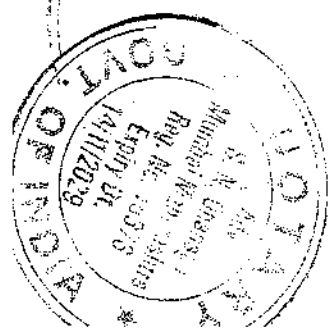


officers in the Government manned civil hospitals. This is affirmatively stated by the Applicant upon laying their hands on the statistics of the vacancies in different divisions in the state of Maharashtra. Hereto annexed and marked as **Annexure H** is the chart indicating the vacancies currently existing in the state of Maharashtra.

- D. That the Hon'ble Tribunal ought to direct the state government to enhance the age of retirement as the state government itself has recognized the necessity to increase the retirement age for medical officers to 62 years, as evidenced by its own Government Resolution dated 01/07/2019. The acknowledgment of this need indicates that there was a valid rationale for extending the retirement age, and therefore, there was no justifiable reason to reduce the age of retirement from 62 to 60 years.
- E. The high-power committee chaired by Sh. Chawdhury, in its report, recommended increasing the retirement age for all sub-cadres of the Central Health Services (CHS), including Doctors. Therefore, the said recommendation ought to be applicable to the Doctors working in the state government as well.



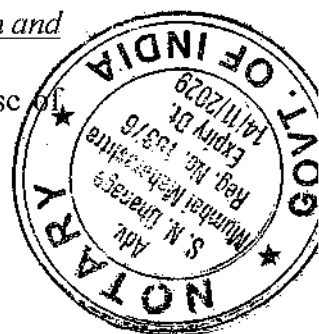
- F. The Hon'ble Tribunal ought to direct the State government to enhance the retirement of doctors till 62 years as the doctors working in the State government of Maharashtra are being discriminated from the doctors working in the Central Government as their age of retirement is much beyond 62 years therefore by excluding the Applicant doctors from the benefit of extending the retirement age, while granting it to other sub-cadres within the Central Government, the government's decision amounts to discriminatory treatment. This differentiation, without any valid reason, violates the principles of equality and non-discrimination enshrined in Articles 14 and 16 of the Constitution.
- G. The Applicant further rely upon the precedents set by judgments of the Supreme Court, which emphasize the principles of equality and non-arbitrariness in administrative decisions.
- II. The Applicant further relies to paragraph 20 of the judgment in the case of B. Prabhakar Rao and Ors. Vs. State of Andhra Pradesh and Ors., 1985 (Suppl.) SCC 432, which highlights the adverse consequences of arbitrary classifications and discriminatory treatment in matters of retirement age. The judgment underscores the obligation of the government to



rectify injustices promptly and fairly, without excluding any class of affected individuals from remedial measures.

- I. It is further contented that the present Application involves serious human problem. The Applicant being employees of the State with limited resources, who have been planning their future with a secure feeling that they could work till the age of 62 years, have as though overnight, been robbed of their tenure, their aspirations and future. He have become the helpless victim of certain swift moves on the political chess-board. These swift moves, perhaps taken in a hurry, without serious application of mind have resulted in arbitrariness that has been forcefully projected on the Applicant. It is further contended that plea cannot be light-heartedly thrown overboard on the basis of the same being a Policy decision and under the administrative control. At the outset, Justice demands that the Applicant ought to be saved of their predicament and their age of retirement ought to be enhanced to 62 years as brought in by the State Government vide GR dated 19.07.2019.

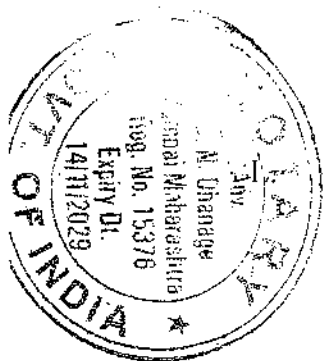
- J. The Applicant further relies upon the decision in B. Prabhakar Rao and Others vs. State of Andhra Pradesh and Others 1985 (Supp) SCC 432 which refers to the case of



Andhra Pradesh Civil Servants whose age of retirement was originally 55 years. Thereafter it was enhanced to 58 years, further reduced to 55 years and yet again raised to 58 years. When the Government was wavering as to the fixation of age of retirement to 55 and 58 years and was not clear in its policy, wherein the Hon'ble Apex Court had held that the same amounted to discrimination and held that the age of retirement ought to be increased from 55 to 58 years. That, the above citation is squarely applicable to the facts and circumstances of the present matter wherein the Applicant is seeking the retirement age to be enhanced till 62 years. The copy of the Judgement of B. Prabhakar Rao and Others vs. State of Andhra Pradesh and Others is hereto marked and annexed as **Annexure I**.

- K. Therefore, it is reiterated that the extension of the retirement age for doctors within the State Government of Maharashtra to 62 years is not only a matter of administrative fairness but also crucial for ensuring that individuals are not deprived of their rightful benefits due to arbitrary classifications and discriminatory practices

The State government ought to increase the age of retirement till 62 years as prima facie it was not justified to



enhance the age of retirement till 62 years vide G.R. dated 01.07.2019 and subsequently reducing back to 60 years, by which, the present Applicant shall be made to retire at the age of 60 years. Therefore, the said action of the Government suffers from vice of hostile discrimination and is, therefore, violative of Articles 14 and 16 of the Constitution of India, 1950.

M. That, there is disparity between the doctors of the same class as the doctors/Medical officers who retired at the age of 62 got the benefit of promotion however, the present of Applicant is also part of the same department and same cadre won't get further chance to be promoted further in their career. Therefore, the said discrimination in the same class itself ought not be allowed further and the present Applicant age of retirement ought to be increased till 62 years of age so that they can be at par with the Doctors/Medical Officer who got the benefit of Government Resolution of 2019 and 2021.

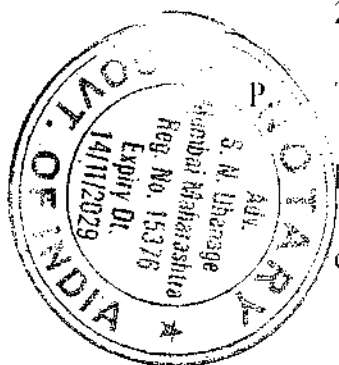
N. That, the said action of the respondent authorities is hit by the doctrine of reasonable classification wherein it is observed that, the medical officers of the same cadre had during the tenure of their service, enjoyed the age



superannuation to the age of 60 and 62 years as had been introduced by different GR's time to time. This would amount to, discrimination in so far as the age of retirement is concerned amongst the same set of employees by applying different age of superannuation as per the administrative exigencies which is completely barred by the doctrine of reasonable classification.

- O. That, even if it is assumed without admitting that the fluctuation of the age from 60 to 62 and back to 60 as the medical officers of the same cadre had been subjected to all along since 2015 is under the guise of policy decision of the state government, the same does not qualify the test of reasonable classification as also the same is not supported by any intelligible differentia, lacking which the said policy decision needs to be revised by the Hon'ble Tribunal by declaring the same as vague and arbitrary. Hence, the Applicant to be extended the age of retirement as 62 years as prevailing according to the Government Resolution of 2019 and 2021 (*mentioned supra*).

The Applicant submit that there is no rationale behind keeping the age of retirement restricted to 58 or 60 years even when there is shortage of experienced doctors. The



action and intention of the legislature to restrict the retirement age till 58 or 60 years, is therefore unreasonable, irrational and violative of the fundamental right of the Applicant under Article 14, 19 and 21 of the Constitution of India and therefore, the Hon'ble Tribunal ought to direct the Respondent to enhance the age of retirement till 62 years.

Q. The Applicant submit that the Respondents have decided to retire the Applicant in the month when they turn 60 years of age. The Applicant is lawfully entitled to function till the time when they shall attain the age of 62 years, which by virtue of Government Resolution dated 2019. The Applicant have thus made out a prima facie case and balance of convenience lies in his favour. The Applicant shall suffer irreparable loss if their Tenure is not extended till the time period when they attain the age of 62 years with immediate effect.

R. That, the Central Government have time and again increased the age of superannuation till the age 65 for officers of Non-teaching specialist, Public Health Specialist and General Duty Medical Officer sub-cadres of Central Health Service (CHS) vide Ministry of Health & Family Welfare Order dated 31st May, 2016 and Office

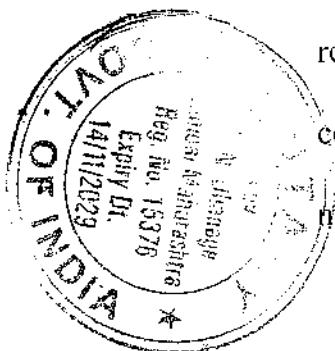


Memorandum dated 19th July, 2016. The copy of the Order dated 31.05.2016 along with office memorandum dated 19.07.2016 is hereto marked and annexed as **Annexure J**.

S. That, there is already a vacuum in the medical system of the state due to early retirement of doctors and already due to shortage of doctors the public at large especially the marginalised citizen will be facing the consequences of the retirement of these Applicant. Therefore, in view of the interest of people at the large, urgent reliefs needs to be granted in favour of the Applicant.

T. That, the State Government is initiating new health programmes for the citizen eg. Aapla Dawakhana etc. and building infrastructure for the same and spending crores of public money on the same. However, if there are no doctors to administer, then the entire system will collapse. Therefore, the Applicant services needs to be protected.

U. Doctors within the State Government of Maharashtra, including Medical Officers like the Applicant, typically enter service at an average age of 29 years. With the current retirement age set at 60 years, many doctors are unable to complete the requisite 33 years of service needed to earn the maximum pension. This inability to accrue full service



benefits due to premature retirement serves as a compelling justification for enhancing the retirement age to 62 years. Therefore, on this ground also the age of retirement ought to be enhanced to 62 years.

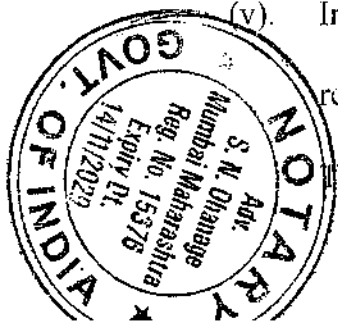
- V. That, the vacancies which shall be created due to the void of the Applicant, the state government wont be able to appoint skilled and senior doctors as Applicants.
- W. The Applicant have no other alternate, efficacious or speedy remedy except to approach before this Hon'ble Tribunal by way of present Original Application.
- X. The Applicant craves, leave and liberty to add, amend, alter, delete or modify any of the paras/ grounds as and when necessary with the prior permission of this Hon'ble Tribunal.
- Y. The Applicant has not received any notice of caveat from the Respondents till this date.
- Z. The Applicant undertakes to supply English translation of Marathi documents as and when required by this Hon'ble Tribunal.

IX. RELIEFS SOUGHTS

- (i). Original Application may kindly be allowed;



- (ii). This Hon'ble Tribunal is respectfully prayed to issue directions to the State Government of Maharashtra, herein referred to as the Respondent, to enhance the age of retirement for the Applicant/Medical Officers working in different Civil Hospitals in the State of Maharashtra to 62 years in view of notification dated 23.02.2022.
- (iii). In the alternative, the Hon'ble Tribunal be pleased to direct the Respondent to establish a high-power committee comprising relevant stakeholders, medical experts, and representatives from the medical community to conduct a thorough review of the issue regarding increasing the retirement age for doctors in Maharashtra to 62 years and submit detailed report with findings, recommendations, and proposed implementation measures within a specified timeframe.
- (iv). The Hon'ble Tribunal is be pleased to direct the Respondent, upon receiving the committee's report, to promptly implement the recommended measures for increasing the retirement age of doctors to 62 years.
- (v). In the eventuality, of the Applicant being deemed to be relieved in the month when they turn 60 years, this Hon'ble Tribunal be pleased to reinstate the services of the Applicant



with immediate effect and with continuity in their service without any break till they attain the of 62 yrs.

- (vi). Any other appropriate order to which the Applicant is entitled may kindly be granted.

X. INTERIM RELIEF SOUGHT :-

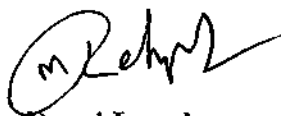
- (i). Pending the hearing and final disposal of the present original application, the Hon'ble Tribunal be pleased to allow the Applicant to re-instate/continue in their regular service till they attain the age of 62 years with all regular service benefit.
- (ii). Pending the hearing and final disposal of the present Original Application this Hon'ble Tribunal be pleased to direct the Respondent Authorities to re-instate the Applicant/Medical Officers who have been relieved by virtue of attaining the age of 60 years with all consequential benefits.
- (iii). By way of appropriate ad-interim ex-parte orders, protect the services of the Applicant, during the pendency of the present petition.
- (iv). Grant ad-interim ex-parte stay in terms of prayer clause (i) to (iii) above.
- (v). Grant any other relief deemed fit and proper in the circumstances of the case in favour of the Applicant;



I. PARTICULARS OF INDIAN POSTAL ORDER:

i] Number :-

ii] Date :-



Desai Legal
Advocate for Applicant
Mohini A. Rehpade

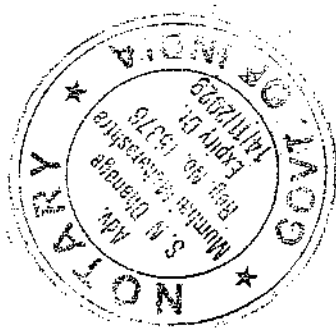


Applicant

Dr. Nawalsing Chavan

MUMBAI

DATED: 04/12/2024



VERIFICATION

I, Dr. Nawalsingh Chavan, Age: 60 Years; Occu: Service
 , R/at: Plot No.1, Saraswati Niwas, Near Lokmangal
 Society, Konark Nagar 2, Adgaon Shivar, Nashik -
 422003.the Petitioner, do hereby state on oath and
 solemn affirmation that the contents of this Petition
 from Para No. 1 to 18 are true and correct to the best
 of my own personal knowledge and I believe the same
 to be true.

Solemnly affirmation at Mumbai)

On this ___ day of December 2024)

03 DEC 2024

(Signature)

Applicant
 Dr. Nawalsingh Chavan
 Identified & Explained by me,

BEFORE ME

(Signature)

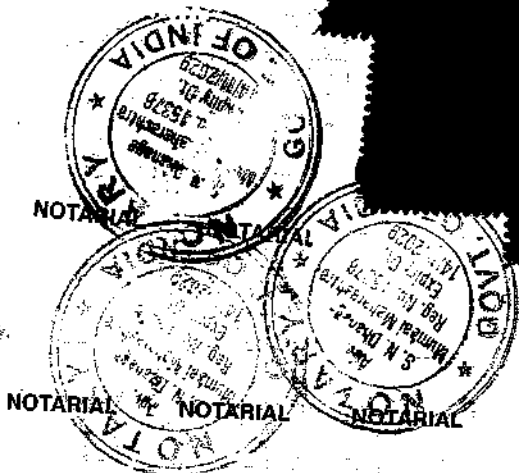
Adv. S. N. Dhanage
 Notary Govt. of India
 Regd. No. 15376, MUMBAI (MS)
 404-405, 4th Floor, Davar House,
 197/199, Near Central Camera Bldg.,
 D. N. Road, Fort, Mumbai - 400001.
 Mob.: 8591897834

(Signature)
 Advocates for Applicant
 Mohini A. R. R. R. R.

NOTED & REGISTERED

Page No. 171 Sr. No. 2137

Dated 03 DEC 2024



Annexure-A

28

RNI No. MAHBIL/2009/31733



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ८, अंक १३]

गुन्वार, फेब्रुवारी २४, २०२२/फाल्गुन ५, शके १९४३

[पृष्ठ ४, किंमत : रुपये १५.००

असाधारण क्रमांक २९

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-त यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांविषयी) नियम व आदेश.

वित्त विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२, दिनांक २३ फेब्रुवारी २०२२.

अधिसूचना

भारताचे संविधान.

क्रमांक संनिवे-२०२१/प्र.क्र.५६/सेवा-४.— भारताच्या संविधानाच्या अनुच्छेद ३०९ च्या परंतुकान्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्राचे राज्यपाल या संबंधात आपूर्वी निर्गमित करण्यात आलेले सर्व आदेश, निर्णय इ. अधिक्रमित करून महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ ला आणि सुधारणा करणारे पुढील नियम करीत आहेत :-

१. या नियमास महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) (सुधारणा) नियम, २०२२ असे म्हणावे.

२. महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ याच्या नियम १० मधील पोटनियम (१) मध्ये-

(१क) खालील परंतुके समाविष्ट करण्यात येतील आणि ती दि. ३१ मे, २०१५ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

"परंतु महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सहाय्य वेतन आयोगानुसार वेतनबंद रु.१५६००-३९१००, ग्रेड वेतन रु. ५४०० व त्यापेक्षा वरच्या ग्रेड वेतनातील आणि सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्याह्नोत्तर सेवानिवृत्त होतील :

परंतु आणखी असे को, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधिकाऱ्या संवर्गातील (सहाय्य वेतन आयोगानुसार वेतनबंद रु.१५६००-३९१००, ग्रेड वेतन रु. ६६०० व त्यापेक्षा वरच्या ग्रेड वेतनातील आणि सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्याह्नोत्तर सेवानिवृत्त होतील."

(२)

भाग चार-अ-२९-१

महाराष्ट्र शासन राज्यपत्र असाधारण भाग चार-अ, फेब्रुवारी २४, २०२२/कालुन ५, सके १९४३

(दोन) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या एडिल्या परंतुकाएवजी खालील परंतुक समाविष्ट करण्यात येईल आणि ते दि. ३१ मे, २०२१ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

* परंतु, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६२ वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :-

(तीन) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या दुस-या परंतुकाएवजी खालील परंतुक समाविष्ट करण्यात येईल आणि ते दि. ३१ मे, २०२१ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

* परंतु असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधिकांक संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६२ वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :-

(चार) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या दोन्ही परंतुकाएवजी खालील परंतुके समाविष्ट करण्यात येतील आणि ती दि. १ जून २०२२ पासून अंमलात आल्याचे मानण्यात येईल :-

* परंतु, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :-

परंतु आणखी असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधिकांक संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :-

परंतु आणखी असे की, वरील परंतुके दि. ३१ मे २०२३ पर्यंत अंमलात राहतील :-

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

र. शि. चाटो,
शासनाचे उप सचिव.

FINANCE DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 23rd February 2022.

NOTIFICATION

CONSTITUTION OF INDIA.

No.PEN-2021/C.R.56/SER-4.- In exercise of the powers conferred by the provisions of article 309 of the Constitution of India and in supersession of all earlier orders, resolutions, etc. issued in this behalf, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Pension) Rules, 1982, namely:-

1. These rules may be called the Maharashtra Civil Services (Pension) (Amendment) Rules, 2022.

2. In rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, in sub-rule (1),-

(i) the following provisos shall be added and shall be deemed to have been added with effect from the 31st May 2015, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Band Rs. 15600-39100; Grade Pay Rs. 5400 and above as per Sixth Pay Commission and in Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical Insurance Services, Group-A (In Pay Band Rs.15600-39100; Grade Pay Rs. 6600 and above as per Sixth Pay Commission and in Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years."

(ii) for the first proviso as so added, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 31st May 2019, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 62 years;"

(iii) for the second proviso as so added, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 31st May 2021, namely:-

"Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 62 years;"

(iv) for both the provisos as so added, the following provisos shall be substituted and shall be deemed to have been substituted with effect from the 1st June 2022, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical

31

महाराष्ट्र शासन राज्यपत्र असाधारण भाग चार-अ, केन्द्रीय १४, २०११/कल्पन ५, सके ११४३

Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided also that, the above provisos shall be in force till the 31st May 2023.

By order and in the name of the Governor of Maharashtra,

R. S. CHATGE,
Deputy Secretary to Government.

सार्वजनिक आरोग्य विभागातील आरोग्य सेवा
संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य
सेवा, गट-अ व राज्य कामगार विमा योजनेतील
महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील
वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय ५८ वरून ६०
वर्षापर्यंत वाढविणेबाबत....

महाराष्ट्र शासन
सार्वजनिक आरोग्य विभाग
शासन निर्णय क्रमांक: सेवानि-१५१८/प्र.क्र.१६८/सेवा-२
गोकुलदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला
मंत्रालय, मुंबई-४०० ००१
दिनांक: २९ ऑगस्ट, २०१८

वाचा :-

- १) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक: सेवानि-१८१५/प्र.क्र.२१६/सेवा-२, दि. ०३.०९.२०१५
- २) सार्वजनिक आरोग्य विभाग, शासन पत्र क्र. सेवानि-१५१८/प्र.क्र.१६८/सेवा-२, दि. ३१.०५.२०१८
- ३) सार्वजनिक आरोग्य विभाग, शासन पत्र क्र. सेवानि-१५१८/प्र.क्र.१६८/सेवा-२, दि. ३०.०६.२०१८
- ४) मंत्रीमंडळाचे सचिव यांचे दि. ३१.०७.२०१८ चे पृष्ठांकन (मंत्रीमंडळ बैठक दि. १९.०७.२०१८ विषय क्रमांक ९ कार्यवृत्त)

प्रस्तावना :-

राज्याच्या सार्वजनिक आरोग्य विभागाकडून सामान्य रुग्णालये, उपजिल्हा रुग्णालये, प्रांतीय रुग्णालये, राज्य कामगार विमा रुग्णालये यामधून रुग्णांना आरोग्य सुविधा पुरविण्यात येतात. तथापि, सदर रुग्णालयांमधील वैद्यकीय अधिकारी व वरीष्ठ अधिकार्यांच्या कमतरतेमुळे रुग्णांना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडचणी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषज्ञ पदासाठी प्रयत्न करून देखील पुरेशा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत नाहीत वा उपलब्ध झाल्यासही पसंतीच्या ठिकाणी पदस्थापना न मिळाल्यास सेवेत रुजू न होण्याचे प्रमाण मोठे आहे. परिणामी आरोग्य सेवेतील पदे मोठ्या प्रमाणात रिक्त राहत असून त्याचा राज्यातील रुग्णसेवेवर विपरित परिणाम होत आहे. ही बाब विचारात घेऊन दिनांक ०३.०९.२०१५ च्या शासन निर्णयान्वये राज्यातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) कार्यरत अधिकार्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षापर्यंत वाढविण्याचा निर्णय शासनाने घेतला होता. तसेच सदर निर्णय हा दि. ३१.५.२०१५ पासून पूर्वलक्षी प्रभावाने तीन वर्षासाठी लागू करण्यात आला होता. तथापि, आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील अधिकारी मोठ्या प्रमाणात सेवानिवृत्त होत असल्याने त्याचा वैद्यकीय सेवेवर परिणाम होऊ नये म्हणून दि. ३१.०५.२०१८, दि. ३०.०६.२०१८ व दि. ३१.०७.२०१८ रोजी आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील अधिकार्यांनी जरी वयाची ५८ वर्ष पूर्ण केली असली तरी ज्यांचे वय ६० वर्षांपेक्षा कमी आहे अशा अधिकार्यांना सेवानिवृत्त न करता त्यांच्याबाबतीत मंत्रीमंडळासमोर सेवानिवृत्तीचे वय वाढीचा प्रस्ताव सादर करण्याच्या अटीच्या अधीन राहून त्यांच्या वयाची ६० वर्ष पूर्ण होईपर्यंत शासन सेवेत ठेवण्याबाबत निर्णय घेण्यात आला आहे. ही बाब विचारात घेऊन आरोग्य सेवा

शासन निर्णय क्रमांक:सेवानि-१५१८/प्र.क्र.१६८/सेवा-२

संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकाऱ्यांचे तसेच राज्य कामगार विमा योजनेमधील गट-अ मधील वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षांपर्यंत वाढविण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

सार्वजनिक आरोग्य विभागातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४००) व जिल्हा शल्यचिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संचर्ग (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६००) मधील पदे व वरिष्ठ पदे (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षांपर्यंत वाढविण्याचा शासनाने निर्णय घेतला आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्वलक्षी प्रभावाने पाच वर्षासाठी (दि. ३१.५.२०२३ पर्यंत) लागू राहील. मात्र वेतनबँड रु. १५६००-३९१०० ग्रेड वेतन रु. ५४०० व त्याहून अधिक ग्रेड वेतन घेणाऱ्या आरोग्य सेवा संचालनालय व राज्य कामगार विमा योजनेतील वैद्यकीय अधिकारी (गट-अ) व वरिष्ठ पदावरील अधिकारी वगळता अन्य अधिकाऱ्यांना हा शासन निर्णय लागू राहणार नाही.

३. महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम १० मध्ये यथावकाश सुधारणा करण्यात येईल.

४. सदर शासन निर्णय वित्त विभागाच्या अनौपचारिक संदर्भ क्र. १८०/१८/सेवा-४, दि. २७.०८.२०१८ अन्वये प्राप्त झालेल्या सहमतीने निर्गमित करण्यात येत आहे.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०८२८१३१०४३५८१७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vishnudas
Pundlikrao
Ghodke

Digitally signed by Vishnudas Pundlikrao
Ghodke
DN: cn=JH, o=Government Of Maharashtra,
ou=Public Health Department,
postalCode=400032, st=Maharashtra,
2.5.4.20=514c2e5ad6ac71c59b99a86a3fe518
9556b7a95d589e6bb681499f403bb58ac3e,
cn=Vishnudas Pundlikrao Ghodke
Date: 2018.08.29 11:27:57 +05'30'

(वि. पु. घोडके)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव
२. मा. मुख्य सचिव महाराष्ट्र राज्य
३. मा. मुख्यमंत्री यांचे प्रधान सचिव

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शासन निर्णय क्रमांक:सेवानि-१५१८/प्र.क्र.१६८/सेवा-२

४. मा. मंत्री (आरोग्य/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सचिव
५. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई
६. आयुक्त, राज्य कामगार विभा योजना, मुंबई
७. मुख्य कार्यकारी अधिकारी, महात्मा फुले जीवनदायी आरोग्य योजना, मुंबई
८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
९. जिल्हाधिकारी (सर्व)
१०. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
११. संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई
१२. अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
१३. सह संचालक, आरोग्य सेवा (सर्व)
१४. उपसंचालक, आरोग्य सेवा (सर्व)
१५. जिल्हा शल्यचिकित्सक (सर्व)
१६. जिल्हा आरोग्य अधिकारी (सर्व)
१७. महालेखापाल, (लेखा व अनुज्ञेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
१८. महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
१९. अधिदान व लेखाअधिकारी, मुंबई
२०. जिल्हा कोषागार अधिकारी (सर्व)
२१. उपसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
२२. सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
२३. प्रधान सचिव (सा.आ.) यांचे स्विय सहायक
२४. सहसचिव/उपसचिव/अवर सचिव/कक्ष अधिकारी, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई
२५. निवड नस्ती-सेवा-२

सार्वजनिक आरोग्य विभागातील आरोग्य सेवा
संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य
सेवा, गट-अ व राज्य कामगार विमा योजनेतील
महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील
वैद्यकीय अधिकारी व वरिष्ठ अधिकाऱ्यांचे
सेवानिवृत्तीचे वय ६० वरून ६२ वर्षांपर्यंत
वाढविणेबाबत....

महाराष्ट्र शासन**सार्वजनिक आरोग्य विभाग**

शासन निर्णय क्रमांक: सेवानि-१३१९/प्र.क्र.४८/सेवा-२

गोकुळदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला

मंत्रालय, मुंबई-४०० ००१

दिनांक: ०१ जुलै, २०१९

वाचा:-

- १) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक: सेवानि-११८/प्र.क्र.१६८/सेवा-२,
दि. २९.०८.२०१८
- २) आरोग्य सेवा संचालनालयाचे पत्र क्र.संआसे/कक्ष-१/टे-१/गट-अ/सेनिवय/६९०-६५/वैअ/
१८२३/ २०१९, दि. १६.०५.२०१९

प्रस्तावना:-

राज्याच्या सार्वजनिक आरोग्य विभागाकडून सामान्य रुग्णालये, उपजिल्हा रुग्णालये, ग्रामीण रुग्णालये राज्य कामगार विमा रुग्णालये यामधून रुग्णांना आरोग्य सुविधा पुरविण्यात येतात. तथापि, सदर रुग्णालयातील वैद्यकीय अधिकारी व वरिष्ठ अधिकाऱ्यांच्या कमतरतेमुळे रुग्णांना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडचणी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषज्ञ पदासाठी प्रयत्न करून देखील पुरेशा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत नाहीत वा उपलब्ध झाल्यासही पसंतीच्या ठिकाणी पदस्थापना न मिळाल्यास सेवेत रुजू न होण्याचे प्रमाण मोठे आहे. परिणामी आरोग्य सेवेतील पदे मोठ्या प्रमाणात रिक्त राहत असून त्याचा राज्यातील रुग्णसेवेवर विपरित परिणाम होत आहे. त्यानुसार सार्वजनिक आरोग्य विभाग शासन निर्णय दि.२९.८.२०१८ नुसार आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४००) व जिल्हा शल्यचिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संवर्ग (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६००) मधील पदे व वरिष्ठ पदे (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षांपर्यंत वाढविण्याचा शासनाने

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शासन निर्णय क्रमांक: सेवानि-१३१५/प्र.क्र.४८/सेवा-२

निर्णय घेतला आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्वलक्षी प्रभावाने पाच वर्षासाठी (दि. ३१.५.२०२३ पर्यंत) लागू करण्यात आला आहे.

महाराष्ट्राच्या विविध भागातून विविध सामाजिक संघटना, समाजसेवक, लोकप्रतिनिधी यांनी डॉक्टरांच्या रिक्त पदांबाबत चिंता व्यक्त केली असून सेवानिवृत्ती वय वाढविण्याबाबत निवेदने सादर केली आहेत. दैनंदिन जीवनात आरोग्य सेवेचे अनन्य साधारण महत्त्व लक्षात घेता, रिक्त असणाऱ्या पदांचा विचार करून आणि सेवानिवृत्तीमुळे रिक्त पदांमध्ये वाढ होऊन जन आरोग्याचा धोका विचारात घेऊन महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ (६ व्या वेतन आयोगानुसार ग्रेड पे रु. ५४०० व त्यावरील) मधील अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६२ वर्षांपर्यंत वाढविण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सहसंचालक, उपसंचालक व जिल्हा आरोग्य अधिकारी यांचे कार्यालयाचा तसेच राज्य कामगार विमा योजना कार्यालयातील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), उपसंचालक (वैद्यकीय) व वैद्यकीय अधिकाऱ्या (उच्चश्रेणी), वैद्यकीय अधिकाऱ्या (निम्नश्रेणी) यांचा समावेश प्रशासनिक सेवेमध्ये करण्यात येत असून, सदर ठिकाणी कार्यरत असणाऱ्या अधिकाऱ्यांचे (सेवानिवृत्तीचे सध्याचे वय ६० वर्षे दि. ३१.५.२०२३ पर्यंत) सेवानिवृत्तीचे वय न वाढविण्याचा निर्णय घेण्यात आला आहे. तसेच सदर पदावरील अधिकारी वगळता आरोग्य सेवा संचालनालयातून महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ (६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील) व राज्य कामगार विमा योजना कार्यालयातील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील (६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील) जे वैद्यकीय अधिकारी थेट रुग्णसेवा देतात त्या अधिकाऱ्यांचे सेवानिवृत्तीचे वय २ वर्षासाठी ६० वरून ६२ वर्षांपर्यंत (दि. ३१.५.२०२१ पर्यंत) (दि. ३१.०५.२०१९ पासून पूर्वलक्षी प्रभावाने) वाढविण्यासंबंधीचा प्रस्ताव मा. मंत्रीमंडळासमोर सादर करण्याच्या अटीच्या अधीन राहून त्यांच्या वयाची ६२ वर्षे पूर्ण होईपर्यंत त्यांना शासन सेवेत ठेवण्याचा निर्णय घेतला आहे.

३. सदर शासन निर्णय हा प्रशासनिक पदावर कार्यरत असलेल्या वैद्यकीय अधिकाऱ्यांना लागू राहणार नाही. जे वैद्यकीय अधिकारी रुग्णसेवा देण्यात येत असलेल्या पदावर कार्यरत राहतील त्यांनाच ही वयोमर्यादेतील वाढ लागू राहील. तसेच जोपर्यंत ते रुग्णसेवा देत असलेल्या पदावर कार्यरत राहतील, तोपर्यंतच सदर वयोमर्यादेतील वाढ लागू राहील.

४. शासन निर्णय दि. २९.०८.२०१८ अन्वये आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४००) व जिल्हा

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शासन निर्णय क्रमांक: सेवानि-१३१९/प्र.क्र.४८/सेवा-२

शल्य चिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संवर्ग (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६००) मधील पदे व वरिष्ठ पदे (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षे दि. ३१.५.२०१८ पासून पुर्वलक्षी प्रभावाने पाच वर्षासाठी (दि. ३१.०५.२०२३ पर्यंत) लागू करण्यात आले आहे. सदर शासन निर्णयातील तरतुदी या पुढेही तशाच लागू राहतील.

५. सदर शासन निर्णय वित्त विभागाच्या अनौपचारिक संदर्भ क्र. १०४/१९/सेवा-४, दि. ०६.०६.२०१९ अन्वये प्राप्त झालेल्या सहनतीने निर्गमित करण्यात येत आहे.

६. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक. २०१९०६२९१००३५४९०१७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vishnudas
Pundlikrao
Ghodke

Digitally signed by Vishnudas Pundlikrao Ghodke
DN: cn=V, o=Government of Maharashtra, ou=Public
Health Department, postalCode=400032, st=Maharashtra,
serialNumber=1456403bb58a3a,
emailAddress=vishnudas.pundlikrao@maharashtra.gov.in,
c=IN, o=Vishnudas Pundlikrao Ghodke
Date: 2019.07.07 15:59:30 +05'30'

(वि. पुं. घोडके)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव
२. मा. मुख्य सचिव महाराष्ट्र राज्य
३. मा. मुख्यमंत्री यांचे प्रधान सचिव
४. मा. मंत्री (आरोग्य/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सचिव
५. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई
६. आयुक्त, राज्य कामगार विमा योजना, मुंबई
७. मुख्य कार्यकारी अधिकारी, महात्मा फुले जीवनदायी आरोग्य योजना, मुंबई
८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
९. सह पोलीस आयुक्त (प्रशासन), पोलीस आयुक्त कार्यालय, मुंबई
१०. जिल्हाधिकारी (सर्व)
११. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)

पृष्ठ ४ पैकी ३

१२. संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई
१३. अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
१४. सह संचालक, आरोग्य सेवा (सर्व)
१५. उपसंचालक, आरोग्य सेवा (सर्व)
१६. जिल्हा शल्यचिकित्सक (सर्व)
१७. जिल्हा आरोग्य अधिकारी (सर्व)
१८. पोलीस शल्य चिकित्सक, नागपाडा पोलीस रुग्णालय, मुंबई
१९. महालेखापाल, (लेखा व अनुज्ञेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
२०. महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
२१. अधिदान व लेखाअधिकारी, मुंबई
२२. जिल्हा कोषागार अधिकारी (सर्व)
२३. उपसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
२४. सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
२५. प्रधान सचिव (सा.आ.) यांचे स्विय सहायक
२६. सहसचिव/उपसचिव/अवर सचिव/कक्ष अधिकारी, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई
२७. निवड नस्ती-सेवा-२

Annexure - D

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सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा आयुक्तालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ पदावरील सर्व कार्यरत अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६२ वर्षांपर्यंत वाढविण्याबाबत....

महाराष्ट्र शासन

सार्वजनिक आरोग्य विभाग

शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र.२५४/सेवा-२
गोकुळदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला
मंत्रालय, मुंबई-४०० ००१
दिनांक: ०९ ऑगस्ट, २०२१

- वाचा :-१) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-११८/प्र.क्र.१६८/ सेवा-२ दि. २९.०८.२०१८
- २) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-१३१९/प्र.क्र. ४८/सेवा-२, दि. ०१.०७.२०१९
- ३) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-१३१९/प्र.क्र. ४८/सेवा-२, दि. २६.११.२०१९
- ४) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : न्यायप्र-३०१८/प्र.क्र. २५४/सेवा-२, दि. ३१.०५.२०२१
- ५) मा. मंत्रीमंडळ सचिव यांचे दि. २९.०७.२०२१ चे पृष्ठाकन (मंत्रीमंडळ बैठक दि. १४.०७.२०२१ विषय क्रमांक-५ कार्यवृत्त)

शासन निर्णय :-

राज्यात कोरोना साथरोग संसर्गाचा प्रादुर्भाव पूर्णपणे थांबलेला नसून नजीकच्या कालावधीत तिसरी लाट येण्याची शक्यता नाकारता येत नाही. यास्तव त्यावर नियंत्रण मिळविण्याच्या दृष्टीने उपाययोजना करणे व त्याची अंमलबजावणी करण्याच्या दृष्टीने सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा आयुक्तालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील (वेतन मॅट्रिक्स मधील वेतन स्तर एस-२३ : ६७७००-२०८७०० व त्यावरील) सर्व अधिकारी तसेच राज्य कामगार विमा योजनेतर्गत महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील सर्व कार्यरत अधिकारी यांचे सेवानिवृत्तीचे वय एक वर्षासाठी ६२ वर्षांपर्यंत वाढविण्याचा निर्णय मा. मंत्रीमंडळाची कार्योत्तर मान्यता मिळण्याच्या अधीन राहून शासन निर्णय दि. ३१.०५.२०२१ अन्वये घेण्यात आला आहे. सदर शासन निर्णयास मा. मंत्रीमंडळाने कार्योत्तर मान्यता दिली आहे.

२. तसेच, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व महाराष्ट्र वैद्यकीय व विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ पदावरील वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय वाढीच्या अनुषंगाने वित्त विभागाने महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम १० मध्ये आवश्यकती सुधारणा करावी.

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शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र.२५४/सेवा-२, दि.०९.०८.२०२१

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२१०८०९११५२३६९११७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Shivdas
Mahadeo
Dhule

Digitally signed by Shivdas Mahadeo Dhule
DN: cn=Shivdas Mahadeo Dhule, o=Government Of Maharashtra,
ou=General Administration Department,
postalCode=400032, st=Maharashtra,
2.5.4.20=f6353a6a1a02b28757a3a542f2807ba4
39543ed19dc909f2f190c9e4470c3,
serialNumber=55231903025208911890f3851459
3563e97783a66733f9a7a3d1a454083659841,
cn=Shivdas Mahadeo Dhule
Date: 2021.08.06 13:21:06 +05'30'

(शि. म. धुळे)

उप सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव
२. मा. मुख्य सचिव, महाराष्ट्र राज्य, मंत्रालय, मुंबई
३. मा. मुख्यमंत्री यांचे प्रधान सचिव
४. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई
५. आयुक्त, राज्य कामगार विमा योजना, मुंबई
६. पोलीस आयुक्त, पोलीस आयुक्तालय, मुंबई
७. मुख्य कार्यकारी अधिकारी, महात्मा फुले जीवनदायी आरोग्य योजना, मुंबई
८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
९. जिल्हाधिकारी (सर्व)
- १० मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
- ११ संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई
- १२ अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
- १३ सह संचालक, आरोग्य सेवा (सर्व)
- १४ उपसंचालक, आरोग्य सेवा (सर्व)
- १५ जिल्हा शल्यचिकित्सक (सर्व)
- १६ जिल्हा आरोग्य अधिकारी (सर्व)
- १७ पोलीस शल्यचिकित्सक, पोलीस रुग्णालय, नागपाडा, मुंबई
- १८ महालेखापाल, (लेखा व अनुज्ञेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
- १९ महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
- २० अधिदान व लेखाधिकारी, मुंबई
- २१ सहायक अधिदान व लेखा अधिकारी, मुंबई
- २२ जिल्हा कोषागार अधिकारी (सर्व)

पृष्ठ ३ पैकी २

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शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र.२५४/सेवा-२, दि.०९.०८.२०२१

- २३ उपसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
- २४ सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
- २५ मा. उप मुख्यमंत्री यांचे खाजगी सचिव, मंत्रालय, मुंबई
- २६ मा. मंत्री (आरोग्य)/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- २७ सह सचिव/उप सचिव / अवर सचिव / कक्ष अधिकारी, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई
- २८ अपर मुख्य सचिव (१) सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई यांचे स्विय सहायक
- २९ प्रधान सचिव (२) सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई यांचे स्विय सहायक
- ३० निवड नस्ती-सेवा-२

Annexure E

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RNI No. MAHBIL/2009/31733



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष ८, अंक १३]

गुरुवार, फेब्रुवारी २४, २०२२/फाल्गुन ५, शके १९४३

[पृष्ठ ४, किंमत : रुपये १५.००

असाधारण क्रमांक २९

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-स यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

वित्त विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई ४०० ०३२, दिनांक २३ फेब्रुवारी २०२२.

अधिसूचना

भारताचे संविधान.

क्रमांक संनिवे-२०२१/प्र.क्र.५६/सेवा-४.— भारताच्या संविधानाच्या अनुच्छेद ३०९ च्या परंतुकांन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्राचे राज्यपाल या संबंधात यापूर्वी निर्गमित करण्यात आलेले सर्व आदेश, निर्णय इ. अधिक्रमित करून महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ ला आणखी सुधारणा करणारे पुढील नियम करीत आहेत :-

१. या नियमांस महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) (सुधारणा) नियम, २०२२ असे म्हणावे.

२. महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ याच्या नियम १० मधील पोटनियम (१) मध्ये:-

(एक) खालील परंतुके समाविष्ट करण्यात येतील आणि ती दि. ३१ मे, २०१५ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

* परंतु महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा सत्य चिकित्सक, विशेषज्ञ, पोलीस सत्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सहाय्य वेतन आयोगानुसार वेतनबँड रु.१५६००-३९१००, ग्रेड वेतन रु. ५४०० व त्यापेक्षा वरच्या ग्रेड वेतनातील आणि सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :

परंतु आणखी असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधिकारी संवर्गातील (सहाय्य वेतन आयोगानुसार वेतनबँड रु.१५६००-३९१००, ग्रेड वेतन रु. ६६०० व त्यापेक्षा वरच्या ग्रेड वेतनातील आणि सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतात त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील.;

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महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, फेब्रुवारी २४, २०२१/फाल्गुन ५, संके ११४३

(दोन) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या पहिल्या परंतुकाऐवजी खालील परंतुक समाविष्ट करण्यात येईल आणि ते दि. ३१ मे, २०१९ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

" परंतु, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६२ वर्षे पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील ;"

(तीन) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या दुसऱ्या परंतुकाऐवजी खालील परंतुक समाविष्ट करण्यात येईल आणि ते दि. ३१ मे, २०२१ पासून समाविष्ट झाल्याचे मानण्यात येईल :-

" परंतु असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधीक्षक संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६२ वर्षे पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील .";

(चार) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या दोन्ही परंतुकाऐवजी खालील परंतुक समाविष्ट करण्यात येतील आणि ती दि. १ जून २०२२ पासून अंमलात आल्याचे मानण्यात येईल :-

" परंतु, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :

परंतु आणखी असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक, उप संचालक आणि जिल्हा आरोग्य अधिकारी संवर्गातील अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधीक्षक संवर्गातील (सातव्या वेतन आयोगानुसार वेतनस्तर एस-२३ आणि त्यापेक्षा वरच्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात वयाची ६० वर्षे पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशी मध्यान्होत्तर सेवानिवृत्त होतील :

परंतु आणखी असे की, वरील परंतुके दि. ३१ मे २०२३ पर्यंत अंमलात राहतील."

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व जावाने,

र. शि. घाटगे,
शासनाचे उप सचिव.

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महाराष्ट्र शासन राजपत्र असाधारण भाग खार-अ, केबुवती २४, २०२२/फाल्गुन ५, शके १९४३

FINANCE DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 23rd February 2022.

NOTIFICATION

CONSTITUTION OF INDIA

No.PEN-2021/C.R.56/SER-4.- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all earlier orders, resolutions, etc. issued in this behalf, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Pension) Rules, 1982, namely:-

1. These rules may be called the Maharashtra Civil Services (Pension) (Amendment) Rules, 2022.

2. In rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982, in sub-rule (1),-

(i) the following provisos shall be added and shall be deemed to have been added with effect from the 31st May 2015, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Band Rs. 15600-39100; Grade Pay Rs. 5400 and above as per Sixth Pay Commission and in Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical Insurance Services, Group-A (In Pay Band Rs.15600-39100; Grade Pay Rs. 6600 and above as per Sixth Pay Commission and in Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years.";

(ii) for the first proviso as so added, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 31st May 2019, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 62 years:";

(iii) for the second proviso as so added, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 31st May 2021, namely:-

"Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 62 years.";

(iv) for both the provisos as so added, the following provisos shall be substituted and shall be deemed to have been substituted with effect from the 1st June 2022, namely:-

"Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra Medical and Health Services, Group A and Medical

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महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, फेब्रुवारी २४, २०२२/फाल्गुन ५, शके १९४३

Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Level in Pay Matrix S-20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group-A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level and Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years:

Provided also that, the above provisos shall be in force till the 31st May 2023.

By order and in the name of the Governor of Maharashtra,

R. S. GHATGE,
Deputy Secretary to Government.

Annexure - F

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
AT MUMBAI
ORIGINAL APPLICATION NO. 1021 OF 2023.

Dr. Rajani Karhade & Ors.

... Applicants

v/s

The State of Maharashtra & Ors.

... Respondents

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Ms. Swati P. Manchekar
Chief Presenting Officer
M.A.T. Mumbai

<rsp>

(180) - Additional
Affidavit of
Finance Dept

(181) - For
Cancellation
written to Govt

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
AT MUMBAI

ORIGINAL APPLICATION NO. 1021 OF 2023.



Dr. Rajani Karhade & Ors.

... Applicants

v/s

The State of Maharashtra & Ors.

... Respondents

ADDITIONAL AFFIDAVIT IN REPLY
ON BEHALF OF RESPONDENT NOS. 1 to 5.

I, Mahesh Ashokrao Varudkar, Age : 47 years, working as
Director (Administration), Employees State Insurance Scheme
Mumbai, do hereby state on solemn affirmation as under :

1. I say that I have perused the copy of the Application
as well as other relevant records of the case. I crave leave of this
Hon'ble Tribunal to further add or amend the affidavit and/or file
additional affidavit, if so found necessary. I say that I have been
authorised to file this affidavit on behalf of the Respondent Nos. 1
to 5.

3. I say that, the Public Health Department is playing vital role for providing timely medical treatment to beneficiaries' public at large as no one should be deprived from their basic rights. The policy of age extension was executed by G.R. dated 30-05-2015, the reason for execution of policy was prominently the vacancies of Medical Officer in Public Health Department. There are various reasons for vacancies frequently arising in Department like retirement, non-availability of eligible & qualified officers through M.P.S.C, prolong period for process of promotion, prolong period for process of sanctioning recruitment rules etc. In view of these obstacles, the cabinet of State of Maharashtra has taken conscience decision to extend the age of retirement of Medical Officers till the age of 60 years. It is brought to note this

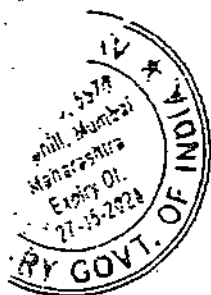


Hon'ble Tribunal that Cabinet note clearly indicates the intension of the legislature that during five years of period, Department will fill up vacancies of Medical Officers. Hereto annexed and marked Exhibit R-1a is a copy of Cabinet note dtd. 3.8.2015.

4. I say & submit that, for filling vacant posts available to Medical Officers, Department has made full-fledged efforts for filling the vacancies since year 2018. Seeing the prolong process of M.P.S.C., the Department has taken conscience decision vide G.R. 10.10.2018 to withdraw the posts of Civil Surgeon cadre, District Health Officer cadre & Specialists cadre from the purview of M.P.S.C. & to fill up these posts through High Power Committee. Accordingly, the Department has conducted the process of recruitment in Covid period for filling the above mentioned post. However, Hon'ble Governor has not given approval to this proposal. Furthermore, the post of Civil Surgeon cadre, District Health Officer cadre & Specialists (pay scale S-23) were filled in the year 2020-2021 (total 172 posts). Consequently, in year 2021-22 & 2022-23, these posts were filled up by

nomination & promotion. Hereto annexed and marked as Exhibit R-2a is Chart of Year-wise Vacancy Position. The Chart indicates that there is no major progressive rate of vacancies since 2015 upto 2023.

5. I say that the posts of Medical Officer, Group-A (Pay-scale S-20) were also filled in by independent selection board during selection year 2018 to 2022. Statement showing S-20 payscale posts filled by promotion and nomination is annexed hereto and marked as Exhibit R-3a. But it is humbly brought to the notice of this Hon'ble Tribunal that the rate of absenteeism of Medical Officers is high in Department. The reason of absenteeism of Medical Officer is mostly higher education i.e. Post-Graduation. The Department have implemented the policy of advance 3 & 6 increments according to their diploma and degree respectively. The Department is also sanctioned the one higher scale to the Medical Officers who are working in tribal institutions.



6. I say & submit that, from time to time, Government Resolutions issued by Public Health Department clearly revealed that Medical Officer have availed the extension of age of retirement during periodic intervention and the Accountant General have also sanctioned the pension accordingly. It is brought to the notice of Hon'ble Tribunal that the extension of age of retirement from 60 to 62 years was also implemented vide G.R. dated 01-07-2019 & 26-11-2019 & total 91 Medical Officers have got their Pension Payment Order by respective Accountant General. Copy of statement showing details of PPO of said 91 Medical Officers is annexed hereto and marked as Exhibit R-4a.

7. Furthermore, the last batch of Medical Officers who has completed the age of 58 to 60 years on 31-05-2023 retired on 31-05-2023. In the earlier round of litigation, where the Applicants have challenged their retirement on 31.5.2023 in O.A. No. 623/2023, the Finance Department has filed Affidavit in Reply and, in the same, has given their opinion as under :

"Hence, Medical Officers who do not attain the age of 60 years during the period from 01/06/2022 to 31/05/2023 shall be deemed to retire on the last date of the month in which the Medical Officers attains the age of 60 years e.g. Medical Officers who will complete 58 years of age on 24/04/2023 will retire on 30/04/2025 instead of retiring on 31/05/2023 as per the above provision. Also Medical Officers who will complete 58 years of age on 24/06/2023 will however retire on 30/06/2023 as per original provision of rule 10 of the Maharashtra Services (Pension) Rules, 1982."

Copy of the said Affidavit in Reply of Finance Department in O.A. No. 623/2023 is annexed hereto and marked as Exhibit R-5a.

8. I say that, as per above opinion of Finance Department, the Medical Officers who completed 58 years of age on 24-4-2023 will retire on 30-4-2025 instead of retiring on 31.05.2023 as per the above provision.



9. However, it is kindly brought to the notice of Hon'ble Tribunal that the above provision will apply to Medical Officers who will be competing 58 years of age before 31-05-2023, but as per the Interim Relief granted by Hon'ble Tribunal on 30-10-2023 ^{Bench} Medical Officers who will be completing the age of 58 years after 31-05-2023, were also protected from being retired.

10. I say & submit that Hon'ble High Court, Mumbai ^{Dr. Phale} have passed the judgment dated 04-09-2023 granting the interim relief to the Medical Officers who have retired on 31-05-2023 & Hon'ble Tribunal have granted the interim relief on 30-10-2023 ^{Dr. R.} to those Medical Officer who have retired after 31-05-2023. Thus, it is necessary for the Department to bring the clarity in notification 23-02-2022 about the exact age of retirement of Medical Officers. Therefore, in absence of provision under Maharashtra Civil Services Rules, age extension cannot be granted to Medical Officers. Hence, the interim order passed by this Hon'ble Tribunal vide interim order dated 30.1.2023 may kindly be vacated in the interest of justice.

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11. Further, it is submitted that the office of
Commissionerate of Health Services, Mumbai have submitted the
proposal dtd. 4.11.2023 to the Government to cancel the
notification dated 23.02.2022 or to amend in rule 10 of M.C.S.
(Pension) Rules, 1982. Copy of Proposal dtd. 4.11.2023 is
annexed hereto and marked as Exhibit R-6a.



12. Hence, this Additional Affidavit.

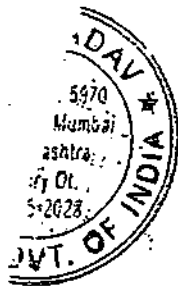
Mumbai.

Dated : 30.11.2023.


RESPONDENT

VERIFICATION

I, Mahesh Ashokrao Varudkar, Age : 47 years, working as
Director (Administration), Employees State Insurance Scheme
Mumbai, do hereby state on solemn affirmation that contents of
para nos. 4 to 12 of the affidavit are true to the best of my
knowledge and information derived from the records and files
maintained in the office and I verify the same to be true. I say that



I have not suppressed any material facts from this Hon'ble Tribunal.

Solemnly affirmed at Mumbai.

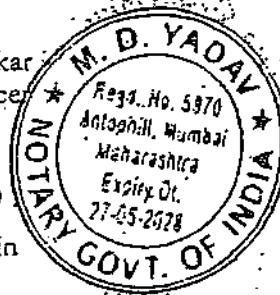
This 30th day of November, 2023.

Drafted & Identified by :

DEPONENT
BEFORE ME

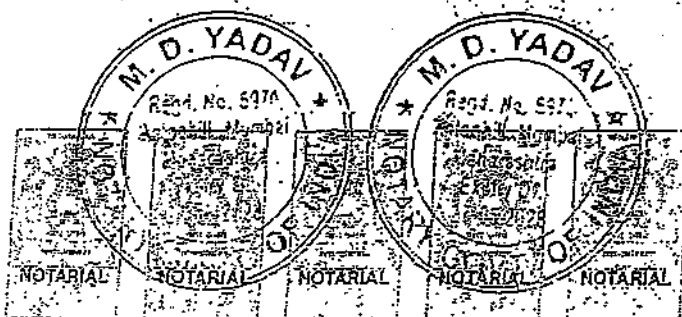
Ms. Swati P. Manchekar
Chief Presenting Officer
M.A.T. Mumbai.

Deponent's Email ID
phd-seva2@mah.gov.in
<RSP>



BEFORE ME

M. D. YADAV
S. Com. No. 5970, Regd. No. 5970
NOTARY, GOVT. OF INDIA
Res. Room No. 18, Gurus Mata Mandir,
Shanti Nagar, S. P. Road, Antophill,
Wadala (E), Mumbai - 400 037.



NOTED & REGISTERED
Sr. No. 1615 Page No. 99
Date: 30/11/2023

मुद्र

प्रत हस्तांक

पृष्ठ क्रमांक १

सार्वजनिक आरोग्य विभाग/सेवा-२

मंत्रीमंडळ टिप्पणी

विषय :- सार्वजनिक आरोग्य विभागातील आरोग्य सेवा संचालनालयातील व राज्य कामगार विभागातील महासंघ वैद्यकीय व आरोग्य सेवा, गट-अ नधील वैद्यकीय अधिकार्यांचे वेतनवृत्तीचे दर ५८ वरून ६० वर्षांपर्यंत वाढविण्यात.



प्रस्तावना

सार्वजनिक आरोग्य विभागात महासंघ वैद्यकीय व आरोग्य सेवा, गट-अ, संचालनालयात पे ५४०० व त्यावरील बरिष्ठ अधिकारी, विशेषज्ञ व वैद्यकीय अधिकार्यांची पदे मोठ्या प्रमाणात रिक्त राहून असल्यामुळे राज्यात आरोग्य सुविधा पुरविण्यात अडथळा निर्माण होताना. शासनस्तरावरून वारंवार प्रयत्न करूनसुद्धा मात्रात सेवेत वेण्यासाठी वैद्यकीय अधिकारी उत्सुक नसतात. मोठ्या प्रमाणावरील रिक्त पदांमुळे आरोग्य सेवा पुरविण्यामध्ये तसेच गुणवत्तेवर याचा विपरीत परिणाम होत आहे.

सद्यस्थितीत आरोग्य सेवा संचालनालयांत व राज्य कामगार विभागातील महासंघ वैद्यकीय व आरोग्य सेवा, गट-अ, वेतनवृत्त ८.१५६००-३९९००, ग्रेड पे ५४०० व त्यावरील वैद्यकीय अधिकार्यांचे मॅजूर, भरलेल्या व रिक्त पदांचा दिनांक ३०.०४.२०१५ रोजीचा तपशील खालीलप्रमाणे आहे :-

अ.क्र.	सेवा	मॅजूर पदे	बरेलेली पदे	रिक्त पदे	शेरा
	ग्रेड पे ६६०० वरील				
१	वरिष्ठ पदे	४४	७	३७	वरिष्ठ पदांमधील अविविक्त

३४

पृष्ठ क्रमांक २



					संचालक १ पद, सहसंचालक ४ पदे, उपसंचालक ११ पदे, श्रेणीअवगत कमन भरण्यात आलेली आहे.
	ग्रेड पे ६६००				
२	जिल्हा आरोग्य अधिकारी	२८०	१३०	१५०	
३	जिल्हा सार्वजनिक चिकित्सक	६२०	३०६	३१४	
४	विशेषज्ञ	६९९	२१४	४८५	
	ग्रेड पे ५४००				
५	वैद्यकीय अधिकारी गट- अ	७५७३	४९५०	२६२३	
	एकूण	९२९६	५६०७	३६०९	

समाप्त वर्षानिहाय निवृत्त हाण्याच्या वैद्यकीय अधिकार्यांचा तपशील

अ.क्र.	संलग्न	२०१५	२०१६	२०१७
१	वारिष्ठ पदे (ग्रेड पे-६६००)	५१	७६	६४
२	वैद्यकीय अधिकारी (ग्रेड पे-५४००)	९५९	९५२	९४५
	एकूण	२०२	२२८	२०९

या सेवानिवृत्तीनुळे आरोग्य विभागाच्या कामकाजावर ऋण परिमाण

गुप्त

पृष्ठ क्रमांक ३३



होग्याची शक्यता आहे.

आरोग्य विभागातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ, संदर्भातील ग्रेड पे ६६०० व त्यावरील तसेच ग्रेड पे ५४०० या संदर्भातील बरिष्ठ अधिकारी, विशेषज्ञ व वैद्यकीय अधिकार्यांची पदे खालीलप्रमाणे ६०% पदे रिक्त असल्याचे दिसून येते. शारिरिक व बौद्धिक क्षमता, ठरलेले शालेय सेवेतील प्रदर्शक अनुभव माध्यमातून सेवानिवृत्त अधिकारी हे खाजगी वैद्यकीय महाविद्यालयात किंवा राष्ट्रीय ग्रामीण आरोग्य अभियानातून सहाभार म्हणून जात असतात. यातून वैद्यकीय अधिकार्यांच्या अनुभव विचारात घेवून तसेच साध्याची रिक्त पदे विचारात घेता, उपलब्ध मनुष्यबळाचा आत्ताही जास्त वापर होण्याच्या दृष्टीने आरोग्य विभागातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ, वेतनबँड रु.१५६००-३११००, ग्रेड पे ५४०० व त्यावरील वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे पथ ५८ वर्षावर्ष ६० वर्षांपर्यंत वाढविण्याबाबत प्रस्तावित करण्यात येत आहे. वयोपर्याया वाढविण्यामुळे कार्यरत असलेल्या अधिकार्यांच्या सेवा कायदा २ वर्षा शालेयत्वा वापरता येत शकतात तसेच त्यांच्या सेवानिवृत्तीवेतनावर होणारा खर्च २ वर्षा मुळे कमी होतो.

विभागाचा प्रस्ताव

वैद्यकीय शिक्षण विभागासमोरील प्राध्यापकांच्या कपतरतेमुळे सेवानिवृत्तीचे पथ ६४ वर्षांपर्यंत वाढविण्यात आले आहे. या श्रेण्यानुसार सार्वजनिक आरोग्य विभागातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ, मधील वैद्यकीय अधिकारी (वेतनबँड रु.१५६००-३११००, ग्रेड पे ५४००), जिल्हा शल्य चिकित्सक, जिल्हा आरोग्य अधिकारी, विशेषज्ञ संवर् (वेतनबँड रु.१५६००-३११००, ग्रेड पे ६६००) व बरिष्ठ पदांचे (वेतनबँड रु.१५६००-३११००, ग्रेड

पुन

पृष्ठ क्रमांक ६३



कार्यिक मार

पे ६६०० वर्षील) सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षापर्यंत वाढविण्याबाबतचा प्रस्ताव मंत्रीमंडळासमोर ठेवण्यासाठी सादर करण्यात येत आहे.

महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील वैद्यकीय अधिकार्यांचे नियतव्योमान सेवानिवृत्तीचे वय ५८ वरून ६० वर्षे करण्यात आल्यावर सेवानिवृत्ती वेतनवेधक दाखिल जे सदर रकमेतून निश्चितपणे अधिक जसपार जाई. शिवाय सदर पदांवर नवीन नियुक्तीमुळे वार्षिक नाराज निश्चित व वाढ होणार आहे. तसेच भरलेल्या पदांच्या ६% लोक आगामी दोन वर्षात सेवानिवृत्त होतील असे गृहीत धरल्यास त्यांचा वेतनाचा खर्च अंदाजे रु. ८ कोटी वार्षिक सुसा दोन वर्षे वाढेल.

सामान्य प्रशासन विभागाचे अभिप्राय

"आरोग्य सेवेतील गट-अ मधील वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० करण्याबाबत सामान्य प्रशासन विभागाने नोव्हेंबर २०११ मध्ये सेवानिवृत्तीचे वय वाढविण्याबाबत दस्त पदे करण्याच्या अनुषंगाने आवश्यकच्या सर्व उपाययोजना तातडीने करणे उचित होईल हे सामान्य प्रशासन विभागाने दिलेले अभिप्राय कायम सनजावे."

वित्त विभागाचे अभिप्राय

विनयाचे अभिप्राय :-

"विभागाने सदर प्रस्ताव यापूर्वी २०१०-११ मध्ये सादर केला असता, सामान्य प्रशासन विभागाने व वित्त विभागाने दिलेल्या अभिप्रायांनुसार विभागाने दस्त पदे करण्यासाठी किती वेळा प्रयत्न केले आणि हे प्रयत्न परिणामकारक होण्यासाठी काय पाऊले उचलली हे विभागाने स्पष्ट केलेले नाही. विभागातील पदे दस्त सहण्याची टक्केवारी पाहता, सेवानिवृत्तीचे वय २ वर्षांनी वाढवणे हा पर्याय उपाय नाही हे स्पष्ट आहे. वैद्यकीय शिक्षण विभागाने सेवानिवृत्तीचे वय वाढवूनही त्यांचा दस्त पदांचा प्रश्न सुटलेला

गुज

पृष्ठ क्रमांक ५

नाही, यादचनही हेच सिद्ध झाले आहे."

प्र.स. (वि.सु.) यांचे अभिप्राय :-

१) सार्वजनिक आरोग्य विभाग यांनी सादर केलेले प्रस्ताव प्रमाणे ग्रेड वेढन रु. ५५०० व त्यापेक्षा जास्त असलेले जॉब्स यांची सेवानिवृत्तीचे दर ५८ वर्षांपासून ६० वर्षे केव्हात vacancy position मध्ये सुधार होईल. या संबंधीची जाकजंब. खालीलप्रमाणे आहे :

अ. एकूण रिक्त पदे (संचालक, अतिरिक्त संचालक, सहाय्यक संचालक, उपसंचालक, जिल्हा आरोग्य अधिकारी, जिल्हा सहाय्यक निरक्षर व विशेषज्ञ) = ८७५

ब. युटॉल २ वर्षात सेवानिवृत्त होणारे अधिकारी संख्या ४७ + ७२ =

११९ म्हणजे, सेवानिवृत्ती दर २ वर्षांनी वाढविल्यानेतरडी ८७५

रिक्त पदांपैकी फक्त ११९ अधिकारी रिक्त होऊ शकतील.

२) म्हणजे खात्याचा प्रस्ताव त्याज्यी insufficient आहे पण त्याचातून इतर cadre कडून सेवानिवृत्ती दर वाढविल्याचा प्रस्ताव येणेची दाद वास्तव्य आहे.

३) त्यासलट, खात्याची पदांमधीली policy मध्ये झुचलेली technical issues resolve करणे व new recruitment वर भर देणे योग्य राहिल.

४) Longterm policy म्हणून medical education self financing mode वर चालविणेचा. National Policy वर पुनर्विचार करणे व Public Health System ची work condition improve करणेवर भर देण्याची आवश्यकता आहे असे दिसून येते.



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पुन

पृष्ठ क्रमांक ६

अ.मु.स. (वित्त) यांचे अभिप्राय :

"प्र.स. (वि.सु.) चे नूत अर्थत योष्य आहे. तेव्हा निवृत्तीच्या वयात २ वर्षांची वाढ ही स्थोनी नैवेकेपणाने स्पष्ट केल्याप्रमाणे अर्थत अपुरी व तात्पुरती मलमपट्टी ठरगार आहे.

डॉक्टरांची वेनंयुक्त MPSC कडून काढून विभागास अधिकार दिल्याचे स्मरते. त्या अनुबंधाने भरतीप्रक्रियेसंदर्भात सद्यस्थितीत, त्यासंदर्भात येणाऱ्या अडथळ्यांचे उद्घोष करणे अर्थत आवश्यक आहे. अशा प्रकारे विशिष्ट संवर्गांचे निवृत्तीचे वय वाढविल्यास इतर वर्गांकडून मागणी येईलच, किंबहुना आजपण अशी मागणी आहे. निवृत्ती वेढ्याचे वय ५८ वजून ६० केल्यास त्याचे नेमके वितीय परिणाम जाय होतील, ही बाब अलाहिदा सादर करण्यात येत आहे."

सादर प्रकाशनी जुन २०१५ अखेर सेवानिवृत्त होणाऱ्या अधिकार्यांच्या बाबतीत त्यांना जुन अखेर सेवानिवृत्त न करता यासंबंधीचा प्रस्ताव मंत्रिमंडळाकडून सादर करण्याच्या अटीच्या अर्जात त्यांचे सेवानिवृत्तीचे वय ५८ ऐवजी ६० वर्षांपर्यंत वाढविण्याचा प्रस्ताव वित्त विभागाच्या मान्यतेसाठी सादर केला असता त्यावर अ.मु.स. (वित्त) यांनी खालीलप्रमाणे अभिप्राय दिले आहेत.

"मा. मुख्यमंत्री महोदयांनी Work in Interview वेग्याचे निदेश दिलेले आहेत. मागिल महिन्यात यासंदर्भात जाहिरात देवून कार्यवाही अपेक्षित होती. विभागात यासंदर्भात अधिक दक्षता घेणे आवश्यक होते. जुन महिन्यात एकही भरती करण्यात आलेली नाही. हे उल्लेखनीय आहे.

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मुक्त

पुस्तक क्रमांक ८२



रिक्त पदे भरण्याची कार्यवाही योग्य वेळेत न करता अर्द नियमांचा अपवाद करण्याचे प्रस्ताव तयार होत आहेत. तसेच ते परस्पर सा. मुख्यमंत्री महोदयांना सादर होत आहेत. विभागाची कृती योग्य नाही.

पुले महिन्यात उर्वरित रिक्त पदे Walk In Interview देवून भरण्यात विभागाच्या या प्रस्तावानुळे रिक्त पदांच्या प्रमाणावर कुठलाही ठोस उपाय होत नाही.

तुल्य तरी विभागाने नवीनप्रक्रिया जलदगतीने राबविणे अत्यंत आवश्यक आहे. आवश्यक वाढत्यात अ.मु.स. (सेवा) यांच्यासह चर्चा करता येईल."

भा. मुख्य सचिव यांचे
अभिप्राय

"Extension of age from 58 to 60 years for doctors is not a permanent solution to the problem of large scale vacancies. The public Health Department has not given any concrete plan how they propose to solve the problem. This will also lead to similar demands from other cadres."

भा. मुख्य सचिव, वित्त
विभाग व सामान्य प्रशासन
विभागाच्या अभिप्रायावर या
विभागाचे अभिप्राय

उपरोक्त मुद्याच्या अनुषंगाने अ.मु.स. (विना) यांचेही चर्चा करण्यात आली. सार्वजनिक आरोग्य विभागात कार्यरत असलेले वैद्यकीय अधिकारी हे राज्याच्या ग्रामीण आरोग्य सेवेतील अत्यंत महत्त्वाचा घटक आहे. वैद्यकीय शिक्षण तुलनेने खर्चिक व दीर्घकाळाचे असल्यामुळे तसेच वैद्यकीय पदवीधर हे उच्च शिक्षित असल्यामुळे त्यांना शासकीय सेवेसाठी खाजगी वैद्यकीय व्यवसायाचे आकर्षण मोठ्या प्रमाणात आहे. वाढत्या नागरीकरणामुळे शहरात येथे शाळा, नवविद्यालय इतर आवश्यक सोयीसुविधा असलेल्या ठिकाणी राहण्याची डॉक्टरांची प्रवृत्ती दिसून येते. त्यामुळे आज राज्यातील



बहुतांश चनेदवारांचा प्राचीण, आदिवासी भाषापेक्षा मागरी भाषात मोकरी करण्याचा कल असल्याचे दिसून येते. आरोग्य सेवा अत्यावश्यक सेवा आहे. सदर सेवा पुरविण्यासाठी डॉक्टरांची अत्यंत आवश्यकता असते. आरोग्य सेवा पुरविण्यासाठी डॉक्टर अत्यंत महत्वाचे तांत्रिक तज्ज्ञत्व आहे. विनागाने डॉक्टरांच्या नियुक्तीसाठी तसेच सेवेत आलेले डॉक्टर कायम रहावेत, यासाठी खालीलप्रमाणे कार्ये बांधण्यात आले आहे :-

१. सदरहू अनुनवी डॉक्टरांच्या ज्ञानाचा लाभ प्राचीण भाषातील मदत कामांना देण्यासाठी कायदेत डॉक्टरांकडे कसेलेल्या पदव्युत्तर पदविका व पदवी वारण करणाऱ्या अधिकाऱ्यांना अनुक्रमे ३ व ६ वेतनाची देण्याचा निर्णय दिनांक १४.१२.२०११, ११.११.२०१२ व दिनांक २०.८.२०१४ मध्ये घेण्यात आला आहे.
२. महापंचाली लोकसेवा आयोगाकडून वैद्यकीय अधिकाऱ्यांची पदे भरण्यासाठी होणारा विलंब विचारत येवुने वैद्यकीय अधिकाऱ्यांची पदे महापंचाली लोकसेवा आयोगाच्या कसेलून बघण्याचा निर्णय घेण्यात आला असून स्वतंत्र निवड मंडळ स्थापन करण्यात आले आहे. सदरहू निवड मंडळाच्या मार्फत सन २०१० पासून एम.के.सी.एल.च्या मदतीने वैद्यकीय अधिकाऱ्यांची पदे भरण्याची कार्यवाही सुरू आहे. एम.के.सी.एल.च्या मदतीने २०७० पासून चनेदवारांची ५४५६ चनेदवारांना नियुक्ती देण्यात आल्या. या प्रक्रियेसाठीही डॉक्टरांकडे २०१३ पासून मे २०१५ असा सुमारे १८ महिन्यांचा कालावधी लागला आहे.
३. विनागाने जुलै २०१५ च्या महिन्या आठवड्यात २८७ वैद्यकीय अधिकाऱ्यांच्या पदांकरिता जाहीरत दिली आहे. सर्व स्वीकरणाची

मुद्र

पृष्ठ क्रमांक ९

प्रक्रिया पूर्ण झाली असून अर्जांची छाननी एन के सी एल स्तरावर चूक आहे. सदर भरती प्रक्रिया ही एन के सी एल कडून अखेरची भरती प्रक्रिया असेल त्याचा समवेतता जाणवल्याने कडार ऑक्टोबर, २०१५ मध्ये संयुक्त येणार आहे.

४. तथ्या सातत्याचे असे होत आहे की सर्व संख्येच्या ४ टक्के किंवा रिकत पदांच्या ५० टक्के या पैकी जी कमी असतील तेवढी पदे भरण्यास अनुमती आहे. सदर आदेशातून वैद्यकीय अधिकार्यांची तसेच आरोग्य विभागातील "अ" ते "उ" गटातील पदांना वगळण्याचे दोन स्वतंत्र प्रस्ताव विस्तारित केले जाऊन दिले आहेत. सदर प्रस्तावात मान्यता प्राप्त होताच जिल्हाधिकारी स्तरावर "Work in Interviews" घेऊन गट-अ मधील वैद्यकीय अधिकार्यांची पदे व अन्य पदे भरण्यास सुरुवात करण्यात येईल.

५. ऑगस्ट, २०१५ अखेर विज्ञापनांची सुमारे ८५ पदे संशोधन चनेद्वाराचून भरली होती. यापैकी ही पदे सरावराची शिस्त राष्ट्रीय त्यासाठी मार्च, २०१५ मध्ये विभागाचे वैद्यकीय अधिकार्यांची पदे केंद्राटी तत्वावर भरण्याचा निर्णय झेतला होता त्याद्वारे सुरुवात येईल. त्यासाठी आवश्यक अर्थसंकल्पीय तरतुद सन २०१५-१६ च्या दुसऱ्या अधिवेशनातील पुरवणी अर्थसंकल्पात करण्यात आली आहे. त्यानुसार जाहीरित वून भरती करण्यात येईल.

६. अखेर संवर्गातील (उपसंचालक, सहायक, संचालक, जिल्हा आरोग्य अधिकारी, जिल्हा राज्य चिकित्सक) यांची पदे प्रदीर्घीने सरावरासाठी विभागीय प्रदीर्घीने समितीच्या बैठका झालेल्या असून २०२ अधिकाऱ्यांना प्रदीर्घीने देण्याबाबतचा प्रस्ताव केंद्रित करण्यात

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आहे.

विभागाने रिक्त पदे भरण्यासाठी ठोस कृती कार्यक्रम तयार केला असल्याचे वरील प्रयत्नांवरून दिसून येईल. विभागातील प्रलंबित न्यायालयीन प्रकरणे, पूर्वीच्या पदोन्नत्या नियमित-नसणे व तसेच नव्याने लोकसेवा आयोगाकडून शिफारशीत होण्याची विलंब, वैद्यकीय व्यवसायिकांची शासकीय नोकरीत न येण्याची मानसिकता या अडथळ्यांना तोंड देत विभागातील रिक्त पदांमध्ये लक्षणीय रितीने घट करण्यात विभागाला आगामी तीन महिन्यात यश येईल, अशी सत्त अपेक्षा आहे.

मात्र, बहुतांश उपदेवदार त्यांच्या निवासी / स्थायीक असल्याने ठिकाणापासून अत्यंत दूरवरच्या ठिकाणावर काम करण्यास त्रास असताना त्यामुळे वैद्यकीय अधिकारी पदावर कजु होणा-या उपदेवदारांचे प्रमाण फारच अल्प असल्याचे दिसून येते. तसेच, काही उपदेवदारांनी वैद्यकीय अधिकारी पदावर कजु होण्याच बदलती वर्तविली वरी स्थायिक पातळीवर येणा-या अडथळ्यांमुळे त्यांचे अनधिकृत गैरहजेरीचे / सजीमाना देण्याचे / स्वच्छ सेवानिवृत्तीचे प्रमाण वाढत आहे.

सार्वजनिक आरोग्य विभागाअंतर्गत वैद्यकीय अधिकारी व वरिष्ठ पदे मोठ्या प्रमाणात रिक्त आहेत. खालील तक्त्यामध्ये रिक्त पदांची माहिती दिली आहे.

क्र.	पद	जेंजूर पदे	रिक्त पदे	रिक्त टक्के
१	वैद्यकीय अधिकारी	४५७३	२६२३	३५%
२	जिल्हा आरोग्य अधिकारी / जिल्हा	१५११	९३९	५९%

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शाल्य विकसितक / विशेषज्ञ			
३ वरिष्ठ पदे	४४	३७	८४ %

विभागातील दिवस पदांचे मांन्य खालील बाबींवरून अधिक स्पष्ट होईल.

१) सद्यस्थितीत विभागातील वरिष्ठ पदे जवळपास ८० % दिवस आहेत.
२) विभागातील विशेषज्ञ संवर्गातील ६७% प्रदे, पुढील २ वर्षांत दिवस होणार आहे. सदर अनुभवी विशेषज्ञ सेवानिवृत्त आल्यावर द्यांच्यादिकाणी अनुभवी विशेषज्ञ संपलला नाहीत.

३) वरिष्ठ पदे ८० % दिवस असल्यामुळे सेवानिवृत्तीचे वेळ दुरुवे इतके वाढविल्यास इतर अधिकार्यांच्या पदोन्नतीच्या संदर्भर परिणाम होणार नाही.

४) सद्यस्थितीत विभागाने पदे अंणीअवनत करून सहायक संचालक दर्जाच्या अधिकार्यांचे सपसंचालक ठसेव सडसंचालक पदांचा कार्यमाह दिला आहे. त्यामुळे सदर अधिकार्यांचा कार्यमाहवर बचक राहत नाही. पदिकाणी कानकाजावर दिवसीय परिणाम होतो.

५) अनावित पदोन्नत्या नियमित करण्याचे काम सुरु असून विशेषज्ञ संवर्ग व जिल्हा आरोग्य अधिकारी संवर्गाच्या जेव्हावाद्या प्रसिद्ध करण्यात आल्या आहेत. तसेच जिल्हा शल्यचिकित्सक संवर्गाच्या प्रदोन्नत्या नियमित करण्याचा प्रस्ताव अतिन टप्प्यात असून मान्यतेसाठी शासन प्रशासन विभागाला सादर केला आहे. मान्यतेनंतर प्रेवता याद्या प्रसिद्ध करून वरिष्ठ पदावरील पदोन्नत्या देण्याबाबत कार्यवाही करण्यास येईल.

६) पदोन्नतीने / माननिर्देशनाने पदे मरण्याबाबतची कार्यवाही विभागानागत सुरु असली तरी, प्रत्यक्षात वरिष्ठ पदांवर पदोन्नतीसाठी ३ वर्षांची अर्हाताकारी

चेचा केंद्रावरील विचार करता येत नाही. विशेष परिस्थितीतूनच सदर अहवालाची संवेची अद एका वर्षात मिळाली करता येते. सदर बाब विचारात येता विभागातील वरिष्ठ पदे. मरणास साधारणपणे ३-४ वर्षांचा कालावधी लागेल.

सदर बाब विचारात येता, सद्यस्थितीत कार्यरत अचूक वरिष्ठ अधिकारी सेवेंत टिकवून ठेवणे अत्यावश्यक आहे.

तसेच संपूर्ण रिक्त पदांमधील विभागात सन २०१५ तसेच सन २०१६ मध्ये सेवानिवृत्तीमुळे व अन्य कारणांमुळे अनुक्रमे २०२ व २३८ इतकी पदे रिक्त होतील.

सन २०१५ ते २०१७ या कालावधीमध्ये वरिष्ठ अधिकार्यांमधील सहा पैकी तीन व जिल्हा आरोग्य अधिकारी, जिल्हा पातळ विकसित आणि विशेषतः संवर्गातील ६०८ पैकी १६८ अधिकारी सेवानिवृत्त होत-आहे. त्यामुळे आरोग्य सेवा देणे कठीण होईल.

देशीय शिक्षण विभागातील प्राध्यापकांच्या कमतरतेमुळे त्यांच्या सेवानिवृत्तीचे वय ६४ वर्षांपर्यंत वाढविण्याचा निर्णय दि. ५/३/२०१५ रोजी घेण्यात आला आहे. प्राध्यापकांची तसेच तांत्रिक आरोग्य विभागात कार्यरत असणाऱ्या देशीय अधिकार्यांची शैक्षणिक अर्हता पदव्यवस्था सनान आहे. मंत्रिमंडळाच्या दिनांक २०.५.२०१५ रोजी झालेल्या बैठकीत कॉलेज ऑफ फिजिथियन ऑड सर्जन सुच करणाऱ्या विभागाच्या प्रस्तावास मान्यता दिली आहे. त्याप्रमाणे सन २०१५-१६ या शैक्षणिक वर्षात सदर अन्दासकून सुच करणाऱ्या विभागाचा प्रयत्न आहे. सदर कॉलेजलाठी तज्ञ डॉक्टरांची विभागास आवश्यकता आहे. आरोग्य विभागातील दोठ्या प्रमाणात रिक्त असलेली देशीय अधिकारी व वरिष्ठ पदांची संख्या

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विवादात येता, न.वै.आ.से. यट ज मधील वैद्यकीय अधिकारी, जिल्हा सत्य चिकित्सक, जिल्हा आरोग्य अधिकारी, विरोधक तसेच वरिष्ठ पदावर कार्यरत असलेल्या अधिकार्यांचे सेवानिवृत्तीचे दर ५८ वर्षावरून ६० वर्षांपर्यंत वाढविण्याचे प्रस्तावित आहे.

भारतीय वैद्यकीय परिषदेच्या (MCI) निकषानुसार वैद्यकीय प्राध्यापकांचे सेवानिवृत्तीचे जास्तीत जास्त दर ७० वर्षे एवढे विहित केले आहे. इतर राज्यांचा विचार करता, डॉक्टरांचे सेवानिवृत्तीचे दर जम्मू काश्मीर मध्ये ७० वर्षे, मध्य प्रदेश, उत्तर प्रदेश, ओरिसा या राज्यांमध्ये ६५ वर्षे करण्यात आले आहे. तसेच गुजरात मध्ये ६२ वर्षे तर कर्नाटक, राजस्थान या राज्यांमध्ये निवृत्तीचे दर ६० वर्षे आहे. व त्या राज्यांनी असा निर्णय घेऊनही ४-५ वर्षे झाली आहेत.

विभागाने मनुष्य कॅलेरी उपरोक्त कारणांमुळे तसेच वैद्यकीय शिक्षण व औषधी द्रव्ये विभागातील शासकीय वैद्यकीय, दंत अप्रुवद महाविद्यालयातील अध्यापकांचे नियतवसोमान सेवानिवृत्तीचे दर ६४ वर्षे करण्याचा निर्णय राज्य शासनाने घेतला आहे. त्याच धर्तीवर सार्वजनिक आरोग्य विभागाच्या क्षेत्र कार्यरत असलेल्या वैद्यकीय अधिकारी व वरिष्ठ अधिकार्यांचे नियतवसोमान सेवानिवृत्तीचे दर ५८ वर्षांपरून ६० वर्षे करण्याच्या प्रस्तावास मान्यता देण्यात येईल.

आरोग्य विभागाच्या माहिपत्त्याखालील वैद्यकीय अधिकारी (ग्रेड पे ३५,४००/- व वरील) यांचे सेवानिवृत्तीचे दर ५८ ऐवजी ६० वर्षे करण्याबाबतचा प्रस्ताव मा. मंत्रालयाकडून आपल्याबाबतची कार्यवाही विभागाकडून मे, २०१५ साली सुरू आहे. या अनुषंगाने दि.३०.५.२०१५ च्या आदेशाने निर्णयान्वये दि.३१.५.२०१५ रोजी सेवानिवृत्त होणाऱ्या ग्रेड पे ३५४००

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पृष्ठ क्रमांक ९४

मधील २८ अधिकारी व ग्रेड पे रु. ५४०० दरील १३ अधिकार्यांचे सेवानिवृत्तीचे वय ५८ ऐवजी ६० वर्षांपर्यंत वाढविण्याचा निर्णय घेण्यात आला आहे. तसेच दि. ३०.६.२०१५ च्या कायदा निर्णयान्वये दि. ३०.६.२०१५ रोजी सेवानिवृत्त होणाऱ्या ग्रेड पे रु. ५४०० मधील ९ अधिकारी व ग्रेड पे रु. ५४०० दरील ५ अधिकार्यांचे सेवानिवृत्तीचे वय ५८ ऐवजी ६० वर्षांपर्यंत वाढविण्याचा निर्णय घेण्यात आला आहे. हे निर्णय या संदर्भाचा प्रस्ताव मंत्रीमंडळाकडून सावर करण्याच्या अटीच्या अंवीन घेण्यात आले आहेत. सदर निर्णय मा. मुख्यमंत्री महोदयांच्या मान्यतेने घेण्यात आलेले आहेत.

मंत्रीमंडळाच्या विचारार्थ प्रस्ताव

सार्वजनिक आरोग्य विभागातील आरोग्य सेवा केंद्रात्मकालयातील तसेच राज्य कानगर विभागातील महापौर वैद्यकीय व आरोग्य सेवा, गट-अ, मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१००, ग्रेड पे ५४००), जिल्हा शल्य चिकित्सक, जिल्हा आरोग्य अधिकारी, विशेषतः संवर्ग (वेतनबँड रु. १५६००-३९१००, ग्रेड पे ६६००) व वरिष्ठ पदांचे (वेतनबँड रु. १५६००-३९१००, ग्रेड पे ६६०० दरील) सेवानिवृत्तीचे वय ५८ वर्षांपर्यंत वाढविण्याबाबतचा प्रस्ताव मंत्रीमंडळाच्या विचारार्थ सावर. मंत्रीमंडळाने सदर प्रस्तावास मान्यता दिल्यात हा निर्णय दिनांक ३१.०५.२०१५ पासून पुढीलकी प्रभावाने लागू करण्यात यावा. सदर प्रस्ताव मा. मंत्री (वित्त) यांनी पाहिलेला आहे.

दिनांक- ३ ऑगस्ट, २०१५
स्थळ- मंत्रालय, मुंबई

(सुजाया सोदिक)
प्रधान सचिव, सार्वजनिक आरोग्य विभाग

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निष्पत्ती क्रमांक ७ : सार्वजनिक आरोग्य विभागातील आरोग्य सेवा संचालनालयातील व राज्य कामगार विभागातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिका-यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षांपर्यंत वाढविणेबाबत या विषयावरील विभागाने सादर केलेल्या प्रस्तावावर मंत्रिमंडळाने चर्चा केली आणि खालीलप्रमाणे निर्णय घेतला.

सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विभागातील महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु.१५,६००-३९,१००, ग्रेड पे रु.५४००) व जिल्हा शल्य चिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषतः संवर्ग ज्या संवर्गातील (वेतनबँड रु.१५,६००-३९,१००, ग्रेड पे रु.६६००) मधील पदे व वरिष्ठ पदावर (वेतनबँड रु.१५,६००-३९,१००, ग्रेड पे रु.६६०० वरील) कार्यरत अधिका-यांचे सेवानिवृत्तीचे वय ५८ ऐवजी ६० वर्षांपर्यंत वाढविण्याच्या प्रस्तावास मान्यता देण्यात यावी. सदर निर्णय हा दिनांक ३१.०५.२०१५ पासून पूर्वीलकी प्रभावाने ३ वर्षासाठी लागू करण्यात यावा. सदर निर्णय "विशेष बाब" म्हणून घेण्यात येत असून तो पूर्वोदाहरण म्हणून समजण्यात येणार नाही.

कार्यवाही : प्रधान सचिव (सार्वजनिक आरोग्य)

अवर सचिव
मुख्य सचिवांचे कार्यालय
साधारण प्रशासन विभाग
मंत्रालय, गुन्फा ४००३२

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मवैआसे गट-अ मवील सन १९-२० निवडसुचीतील पदोन्नतीचे आदेश संख्या व रुजू झालेल्या
अधिका-यांची संख्या (वर्ग १, ५-१३)

अ.क्र.	संवर्ग	रुजू झालेल्या वैद्यकीय अधिका-यांची संख्या
1	जिल्हा शल्य चिकित्सक संवर्ग	८३
2	जिल्हा आरोग्य अधिकारी संवर्ग	२७
3	बालरोगतज्ञ	९
4	स्त्रीरोगतज्ञ	७
5	बधिराकरणशास्त्रज्ञ	११
6	नेत्र शल्य चिकित्सक	७
7	अस्थिव्यांगोपचारतज्ञ	६
8	वैद्यकीय अधिकारी (कान, नाक घसातज्ञ)	३
9	क्ष-किरणतज्ञ	५
10	मनोविकृती चिकित्सक	४
11	शरीरविकृतीशास्त्रज्ञ	९
12	वैद्यकीय अधिकारी (क्षयरोग चिकित्सा)	१
	एकूण	१७२

महाराष्ट्र गट-अ मधील सन २१-२२ निवडसुचीतील पदोन्नतीचे आदेश संख्या व रुजू झालेल्या अधिका-यांची संख्या (कॉ. ३-२३ येमेश्वर)

क्र.	संवर्ग	रुजू झालेल्या वैद्यकीय अधिका-यांची संख्या
१	उपसंचालक	७
२	जिल्हा शल्य चिकित्सक संवर्ग	१२७
३	जिल्हा आरोग्य अधिकारी संवर्ग	६०
४	बालरोगतज्ञ	१३
५	स्त्रीरोगतज्ञ	१०
६	बधिरिकरणशास्त्रज्ञ	१४
७	नेत्र शल्य चिकित्सक	७
८	अस्थिव्यंगोपचारतज्ञ	२
९	वैद्यकीय अधिकारी (कान, नाक घसातज्ञ)	९
१०	क्ष-किरणतज्ञ	१५
११	मनोविकृती चिकित्सक	७
१२	शरीरविकृतीशास्त्रज्ञ	६
	एकूण (कॉ. ४ ते १२)	८३
१३	मुख्य प्रशासकीय अधिकारी	८
१४	सहा. संचालक (वाहतुक)	१
१५	वरीष्ठ वैज्ञानिक अधिकारी (सार्वजनिक विश्लेषक)	१
१६	लोकसंख्याशास्त्रज्ञ	१
१७	स्त्रीरोगतज्ञ	१
१८	बधिरिकरणतज्ञ	२
१९	वैद्यकीय अधिकारी (क्षयरोगचिकित्सा)	२
	एकूण	३७६

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सन २०२१-२२ व २०२२-२३ या वर्षात महाराष्ट्र लोकसेवा आयोगामार्फत सरळसेवेने नियुक्ती दिलेल्या अधिका-यांचा रजु
अहवालाचा गोष्टवारा.

अ.क्र.	संवर्ग	एकुण आदेशांची संख्या	रजु झालेल्या अधिका-यांची संख्या	रजु न झालेल्या अधिका-यांची संख्या
१	जिल्हा आसंग्य अधिकारी	२४	२३	१
२	जिल्हा शल्य चिकित्सक	५३	४५	८
३	विशेषज्ञ	१०६	८३	२३
	एकुण	१८३	१५१	३२

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महाराष्ट्र वद्यकीय व आरोग्य सेवा गट-अ मधील पदांची सद्यस्थिती
(वेतनस्तर एस-२३ व त्यावरील पदे) दि.०३/०९/२०१५

Exb - R 2a-c01

अ.क्र.	पदनाम	मंजूर पदे	भरलेली पदे	रिक्त पदे	रिक्त पदांची टक्केवारी	नियडसुची वर्ष २०१४-१५ मध्ये नामनिर्देशनाबाबतची कार्यवाही	नियडसुची वर्ष २०१४-१५ मध्ये पदोन्नतीबाबतची कार्यवाही
१	वैरीयल पदे (१) संचालक (२) अति. संचालक (३) सह संचालक व (४) उपसंचालक आरोग्य सेवा (वर्ग-१) वेतनस्तर एस-२३	३७	७	३०	८१%	अति. संचालक १ पदाची दि.२८.१.१३ रोजी जाहीरात प्रसिध्द होवून मुलाखती घाल्ता परंतु कोटाच्या आदेशागुळे प्रलंबित. सहसंचालक संवर्गाची ५ पदाची दि.२०.१.१३ रोजी जाहीरात प्रसिध्द (म्हणालगीन स्थिती) उपसंचालक संवर्गाची ५ पदाची दि.२०.१.१४ रोजी जाहीरात प्रसिध्द	अति. संचालक पदोन्नतीबाबतचा प्रस्ताव शासनास सादर. शासनाने पदोन्नतीच्या वाट्याची १ पदे श्रेणीअवमत करून भरण्यात आलेली आहे सहसंचालक दि.१४.११.१४ च्या पत्रान्वये ४ पदांचा पदोन्नतीचा प्रस्ताव शासनास सादर. शासनाने ज्ञ.नि.दि.२३.५.१४ अन्वये पदोन्नतीच्या वाट्याची ५ पदे श्रेणीअवमत करून भरण्यात आलेली आहे उपसंचालक शासनाने ज्ञ.नि.दि.२३.५.१४ व २५.१०.१४ अन्वये पदोन्नतीच्या वाट्याची ११ पदे श्रेणीअवमत करून भरलेली आहे.
२	जिल्हा आरोग्य अधिकारी संवर्ग	२८०	१३६	१४४	५१%	४१ पदांचे अतिरिक्त मागणीपत्र दि.१२.८.१३ च्या पत्रान्वये शासनास सादर. ३ पदांचा प्रस्ताव स्वतंत्रपणे सादर करण्यात येत आहे. तसेच दि. १२.२.१५ च्या पत्रान्वये सारणपत्र सादर.	२३ पदे (अभावित व विरमिता) भरण्यासाठी दि.२.११.१३ रोजी विभागीय पदोन्नती समितीची बैठक घेण्यात येवून पदे भरण्यात आली
३	जिल्हा शल्य चिकित्सक संवर्ग	६७१	३१२	३५९	५३%	११० रिक्त पदांचे मागणीपत्र दि.४ ऑगस्ट, २०१४ च्या पत्रान्वये शासनास सादर.	नियड पत्र.पी.टी.एत संवर्गातील ३६ रिक्त पदे व निरक्षर संवर्गातील ११० रिक्त पदे भरण्यासाठी दि.५.११.१३ रोजी विभागीय पदोन्नती समितीची बैठक घेण्यात येवून पदे भरण्यात आली
४	मिडीकल सवर्ग	५००	१६३	३३७	६७%	एकूण ८२ पदांची मागणीपत्र शासनास सादर	निरक्षर
	मवेआसोगट-अ (वेतनस्तर एस-२०)	७९१८	६४४३	१४७५			
	एकूण	९३६९	७०५४	२३१५	९८%		

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महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट-अ मधील पदांची सद्यस्थिती
(वेतनस्तर एस-२३ व त्यावरील पदे) दि.३१/०५/२०१८

अ.क्र.	पदनाम	मंजूर पदे	भरलेली पदे	रिक्त पदे	रिक्त पदांची टक्केवारी	निवडसुची वर्ष २०१७-१८ मध्ये नामनिर्देशनाबाबतची कार्यवाही	निवडसुची वर्ष २०१७-१८ मध्ये पदोन्नतीबाबतची कार्यवाही
१	वरील पदे (१) संचालक (२) अति. संचालक (३) सह संचालक य (४) उपसंचालक आरोग्य सेवा (वर्ग-१) वेतनस्तर एस-२३	३८	१२	२६	६८%	१ पदाची दि.२८.१.११ रोजी जाहीरत प्रसिध्द होतून गुलाबती शिन्हा १ रंतु कोर्टाच्या आदेशानुसार प्रसिध्द. ५ पदांची दि.२०.१.११ रोजी जाहीरत प्रसिध्द (न्यायालयीन स्पर्धीत) झाले.आलेकडून ५ पदांची जाहीरत प्रसिध्द होतून. ५ उमेदवार निवडलीने रुजू.	अति. संचालक संदर्भाची १ पदाचा पदोन्नतीबाबतचा प्रस्ताव आतागात सादर. आतागात पदोन्नतीच्या वाट्याची २ पदे येथीलअवगत करून भरण्यात आलेली आहे. सहासंचालक संदर्भातील दि.१४.११.१४ च्या पत्रान्वये ४ पदांचा पदोन्नतीचा प्रस्ताव आतागात सादर. आतागात अ. नि.दि.११.५.१४ अन्वये पदोन्नतीच्या वाट्याची ५ पदे येथीलअवगत करून भरण्यात आलेली आहे.उपसंचालक संदर्भाने अ.नि.दि.१३.५.१४ व २५.१०.१४ अन्वये पदोन्नतीच्या वाट्याची ११ पदे येथीलअवगत करून भरलेली आहे. तसेच ११ पदांचा प्रस्ताव दि.१५.१०.११ रोजी आतागात सादर.
२	जिल्हा आरोग्य अधिकारी संवर्ग	२८१	१२८	१५३	५४%	५१ पदांचे अतिरिक्त मागणीवर दि.१२.८.११ च्या पत्रान्वये आतागात सादर. यापैकी दि.५.५.२०१४ रोजी एकूण १० पदांची जाहीरत प्रसिध्द.	दि.१५/४/२०१८ रोजी मा. न्यायालयाच्या निर्देशानुसार एकूण ११ वैद्यकीय अधिका-यांचा पदोन्नतीचा प्रस्ताव आतागात सादर.
३	जिल्हा शल्य चिकित्सक संवर्ग	७००	२९२	४०८	५८%	११५ रिक्त पदांचे मागणीवर दि.४ ऑगस्ट, २०१४ च्या पत्रान्वये आतागात सादर.	निव्वळ एम.बी.बी.एस संदर्भातील १६ रिक्त पदे व निव्वळ संदर्भातील ११० रिक्त पदे भरण्यासाठी वैद्यकीय अधिका-याकडून विकल्प २ यात देणार प्रभावक मागविण्यात आलेली अर्जात आतागात सादर करण्याची गरज आहे.
४	विशेषज्ञ संवर्ग	५७०	१४१	४२९	७५%	एकूण ५१ पदांची जाहीरत आतागात प्रसिध्द.	एकूण ५१ रिक्त पदे भरण्याकरिता आतागात प्रस्ताव सादर.
५	मवेआसेगट-अ (वेतनस्तर एस-२०)	७९८४	७२६८	७७६	९%	५९७ पदे भरण्यात आलेली आहेत.	
	एकूण	९५३५	७८२९	१७०६	१८%		

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गवारापूर पंचकाय व आरोग्य सेवा गट-अ मधील पदांची सद्यस्थिती
(वेतनस्तर एस-२३ व त्यावरील पदे) दि.३१/१०/२०२३

क्र.सं.	पदनाम	मंजूर पदे	भरलेली पदे	रिक्त पदे	रिक्त पदांची टक्केवारी	निवडसुची वर्ष २०२२-२३ मध्ये नामनिर्देशनाबाबतची कार्यवाही	निवडसुची वर्ष २०२२-२३ मध्ये पदोन्नतीबाबतची कार्यवाही
१	शरीर पदे (१) सहायक (२) अति. संचालक (३) सह संचालक व (४) उपसंचालक आरोग्य सेवा (वर्ग-५) वेतनस्तर एस-२३	४१	१०	३१	७५%	संचालक या एका पदाची जाहिरात आयोजामार्फत दि.१३/०९/२०२३ रोजी प्रसिध्द. अति. संचालक (२) पदे नामनिर्देशनाचे भरण्याकरीता दि.२९/१२/२०२२ रोजी शासनास मागणीपत्र सादर. ४ पदे भरण्याकरीता दि.२९/१२/२०२२ रोजी शासनास मागणीपत्र सादर. शासन आदेश दि.०८ नोव्हेंबर, २०२३ रोजी उपसंचालक संवर्गातील एकूण १२ अधिका-यांचे आदेश निर्गमित केले आहे.	संचालक व अति. संचालक या संवर्गात पदोन्नतीने पदे भरण्यासाठी निम्न संवर्गात अधिकारी उपलब्ध नाही. सहसंचालक या संवर्गात पदोन्नतीने पदे भरण्यासाठी निम्न संवर्गात अधिकारी-यांना मिळित ३ वर्ष पूर्ण झालेली नाहीत. तसेच दि.१४/१०/२०२३ रोजी. १ पदे भरण्याकरीता शासनास प्रस्ताव सादर केला असून कार्यवाही सुरु आहे.
२	जिल्हा आरोग्य अधिकारी संवर्ग	२९१	१६१	१२२	४१%	मलौआसमार्फत ३० पदांची जाहिरात दि.५.५.२०१४ रोजी प्रसिध्द. गुलाबत कार्यक्रमा दि.२० ते २४ जानेवारी २०२० या कालावधीत झालेले आहे. त्यामार्फत प्रकरण असल्याने अति निष्ठा प्रतिकायित आहे. वर्ष २०२२-२०२३ मध्ये महाराष्ट्र लोकसेवा आयोगाकडून नामनिर्देशनाचे निवड झालेल्या एकूण २४ अधिका-यांच्या नियुक्ती आदेश दि.२८/०४/२०२३ रोजी निर्गमित.	सन २०२२-२३ च्या निवडसुची वर्षात एकूण ५४ पदे भरण्यासाठी दि.२५/०८/२०२३ रोजी विभागीय पदोन्नती समितीची बैठक झाली असून प्रस्ताव दि.३०/८/२०२३ रोजी शासनास सादर. पदे भरण्याची कार्यवाही शासनस्तरावर सुरु आहे.
३	जिल्हा सार्वजनिक संवर्ग	७३३	३८०	३५३	४८%	वर्ष २०२२-२०२३ मध्ये महाराष्ट्र लोकसेवा आयोगाकडून नामनिर्देशनाचे निवड झालेल्या एकूण ५३ अधिका-यांच्या नियुक्ती आदेश दि.२८/०४/२०२३ रोजी निर्गमित. सन २०२३ या वर्षीवर्षामध्ये एकूण २०१ पदांचे मागणीपत्र २९/१२/२०२३ रोजी शासनास सादर.	सन २०२२-२३ च्या निवडसुची वर्षात एकूण १२६ पदे भरण्यासाठी दि.२५/०८/२०२३ रोजी विभागीय पदोन्नती समितीची बैठक झाली असून प्रस्ताव दि.३०/८/२०२३ रोजी शासनास सादर. पदे भरण्याची कार्यवाही शासनस्तरावर सुरु आहे.
४	विशेषज्ञ संवर्ग	६८३	२६६	४१७	६१%	वर्ष २०२२-२०२३ मध्ये महाराष्ट्र लोकसेवा आयोगाकडून नामनिर्देशनाचे निवड झालेल्या एकूण १०६ अधिका-यांच्या नियुक्ती आदेश दि.२८/०४/२०२३ रोजी निर्गमित. त्याच प्रमाणे सन २०२३ मध्ये एकूण ६६ पदांचे मागणीपत्र दि.२९/१२/२०२३ रोजी सादर. विशेषज्ञ संवर्गातील एकूण १०४ पदांचे सेवा प्रवेश नियम शासनास गंजूरीसाठी सादर करण्यात आले असून शासनस्तरावर कार्यवाही सुरु आहे.	सन २०२२-२०२३ वर्षात एकूण १४० पदे पदोन्नतीने भरण्यासाठी दि.२५/०८/२०२३ रोजी विभागीय पदोन्नती समितीची बैठक झाली असून प्रस्ताव दि.३०/८/२०२३ रोजी शासनास सादर. पदे भरण्याची कार्यवाही शासनस्तरावर सुरु आहे.
५	गवारापूर गट-अ (वेतनस्तर एस-२०)	८०१९	६२१४	१८०५	२२%	आयुक्तालयाचे दि. २४. ०८. २०२३ रोजीच्या मंत्रालये १४२९ पदे भरण्याबाबत शासनास प्रस्ताव सादर करण्यात आलेला आहे.	
	एकूण	१७२६	७०२९	२६१७	२७%		

वै.अ. (S-20)

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महाराष्ट्र वैद्यकीय सेवा व आरोग्य सेवा गट अ (वैद्यनस्तर एन-२०) मध्ये सन २०१४ ते २०२१ या कालावधीत वर्षानिहाय पदोन्नती व नामनिर्देशनाचे नियुक्ती दर्शविणारा वक्त्या. (दि. २०)						
क्र.	संदर्भ	पदोन्नती		जाहिरतीमध्य प्रसिद्ध केलेल्या वै.अ पदांची संख्या	नामानिर्देशन	
		अधिका-यांची संख्या	रजू संख्या		नियुक्ती आदेश	रजू संख्या
२०१४	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	०		०
२०१५	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	०		०
२०१६	वैद्यकीय अधिकारी गट अ (एन-२०) शासन निर्णय दि. २९/०८/१६ व २०/०९/१६ अन्वये १४ आत्महत्याग्रस्त जिल्ह्यातील रिक्त पदे जिल्हाधिकारी यांचे अध्यक्षतेखालील जिल्हा निवड समितीमार्फत पदव्यापनेचे आदेश निर्गमित	०	०	४१२	२३२	१८९
	शा.नि. १६/१४/१६ नुसार उर्वरित २२ जिल्ह्यातील वै.अ पदे भरण्याबाबत निर्देश देण्यात आले.	०	०	२८८	१३३	१३३
२०१७	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	३१४	३२१	२२४
२०१८	वैद्यकीय अधिकारी गट अ (एन-२०) जिल्हाधिकारी यांचेस्तरावरून पदोन्नती	०	०	०	१६६	१६६
२०१९	शासन निर्णय दि. १५/१२/१८ नुसार अनाधिकृत गैरहजर असलेल्या ८० वैद्यकीय अधिकारी गट अ यांचे विनंतीनुसार पुनर्रच नियुक्ती					८०
२०१८	वैद्यकीय अधिकारी गट अ (एन-२०) शासन नियुक्ती आदेश दि. २२/०२/१८ नुसार प्रतिष्ठा यादीतील १०४ रुग्णवाहारांना नियुक्ती आदेश निर्गमित	०	०	०	०	१०४ (सन २०१७ मध्ये ३१४ पदांच्या जाहिरातीनुसार)
२०१९	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	८७७	७५४	११७
२०२०-२१	वैद्यकीय अधिकारी गट अ (एन-२०)			२०५१	१८२६	१४७९
२०२१-२२	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	०	०	०
२०२२-२३	वैद्यकीय अधिकारी गट अ (एन-२०)	०	०	०	जायकालापर्यंत दिनांक १४.०७.२०२३ नुसार प्रस्ताव सादर करण्यात आलेला आहे व दि. २४.०८.२०२३ रोजीच्या पत्रांमध्ये १४२९ पदे भरण्याबाबतचा नुबारीत प्रस्ताव शासनाचे सादर करण्यात आलेला आहे. शासन स्तरावरून कार्यवाही सुरू आहे.	
	एकूण	०	०	४०२२	३४३२	२८६८

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५.६.७८-७८ नवीन बयान ६० से ६२ वयोगर्भवयोग्य सेवाप्राप्त आलेख (वेतनपत्र ६८-२३ च. ६७०००-२०८०००) (दि. ०१/०६/२०२१ से ३१/०५/२०२२ वर्षक) जारीत अलेख।
दांवी बादी. (सा.वि.दि. ३१/०५/२०२१ मुताब)

क्र.सं.	अधिकारी-आवे नाम	पदनाम	जन्मदिनांक	सेवाप्राप्तीका दिनांक (Format DD-MM-YYYY)	ग्रेड	बा.नसलधारा र थापेकडून पोषीओ मंजूर दिनांक
आयुस्त्रालय आरोग्य सेवा मुंबई.						
१	अ. (श्रीमती) अनासुरा रावडे	सहायक संवातक न.रा.ए.वि.सं वडाका, मुंबई	15/02/1960	28/02/2022	NOC निगमित	19/10/23
२	अ. चमिता शिंदे	अतिरिक्त अधिवाय संवातक, राष्ट्रीय अतिरिक्त अधिवाय संवातक, राष्ट्रीय आसंग्य अभियान, मुंबई	10.05.1961	31.05.2022	NOC निगमित	30/8/22
३	अ. अरुण वडत पाटील	अतिरिक्त संवातक (जुडून कल्याण, पुणे.	17.06.1961	31.05.2022	NOC निगमित	30/6/22
४	अ. श्रीधर नाथपाय पाटील	पोलीस शाल्य चिकित्सक, पोलीस कल्याण, नागनाडा, मुंबई	06.12.1960	31.05.2022	NOC निगमित	20/2/23
५	अ. उत्तम दत्तात्रय पात्रकर	सहायक संवातक आरोग्य सेवा (नागनाडा आरोग्य) मुंबई	10.05.1962	31.05.2022	NOC निगमित	30/9/22
उपसंचालक आरोग्य सेवा कोल्हापूर मंडळ, कोल्हापूर						
६	अ. अविनाश विठ्ठल लोखंडे	वैद्यकीय अधिकारक, षट-अ, वर्ग-१, आ.क. विदा. वि. बागली.	२/१०/१९५९	३१/०५/२०२१	NOC निगमित	19/3/22
७	अ. उत्तम बळीराज पाटील	वैद्यकीय अधिकारक, उपजिल्हा कल्याण, सावंतबाडी वि. विधुदुर्ग	१/४/१९६०	३१/०३/२०२२	NOC निगमित	मनुष्य संवातक विदा वि. क्री
८	अ. अंबादे विलास शिंदे	वैद्यकीय अधिकारक उपजिल्हा कल्याण गजहिल्ला	13.04.1961	31.05.2022	NOC निगमित	28/8/22
९	अ. विलास बाबुरंग शिंदे	वैद्यकीय अधिकारक आ.क. इतरकर्मचारी	01.04.1961	31.05.2022	NOC निगमित	
१०	अ. आनंद वडत सातारकर	वैद्यकीय अधिकारक व प्रमाण वि. प्रमाण वि. दादाक आ.क. अ.क. कोल्हापूर	27/06/61	31.05.2022	NOC निगमित	2/8/2022
११	अ. अरुण वडत दामु	सा.क. इतरकर्मचारी (निराशा बळकट अधिकारक (विदा वि. कर्मचारी)	16/12/61	31.05.2022	NOC निगमित	5/8/2022
१२	अ. अश्विन बाबु कांदे	निवासी वैद्यकीय अधिकारक (विदा वि. कर्मचारी)	01/06/61	31.05.2022	NOC निगमित	28/11/22
१३	अ. प्रकाश मुकुंद शिंदे	वैद्य. अधिकारक आ.क. वि. वि. वि. वि.	01/06/62	31.05.2022	NOC निगमित	19/6/23
१४	अ. सुधा संजीव कांदे	जिल्हा कल्याण रत्नागिरी	11/03/60	31.05.2022	NOC निगमित	12/7/2022
१५	अ. विष्णू शंकरराव शिंदे	अ.क. वि. वि. वि. वि. वि. वि. वि.	02.06.१९६०	31.05.2022	NOC निगमित	30/3/23
उपसंचालक आरोग्य सेवा नागपूर मंडळ, नागपूर.						
१६	अ. शैला सुकासन पेंडसवार.	शारीरिककृती शाल्य, वर्ग-१, सामान्य कल्याण.	12/7/1959	३१/०५/२०२१	NOC निगमित	
१७	अ. होतवड दयाराम सुवानी.	वैद्यकीय अधिकारक, ग्रामीण कल्याण, गुलगांव वि. वि. वि.	३/४/१९५९	३१/०५/२०२१	NOC निगमित	2/3/2022
१८	अ. धनंजय राजवडे पाटील.	अ. किरण शिंदे, वर्ग-१, सामान्य कल्याण, चंद्रपूर.	१३/०४/१९६०	३१/०४/२०२२	NOC निगमित	मनुष्य संवातक विदा वि. क्री
१९	अ. रविकांत रामचंद्र शिंदे.	वैद्यकीय अधिकारक, ग्रामीण कल्याण वि. वि. वि. वि.	४/४/१९६०	३०/०४/२०२२	NOC निगमित	7/10/2022
२०	अ. मोहन लाल सुवे.	वैद्य शाल्य चिकित्सक, वर्ग-१, सामान्य कल्याण चंद्रपूर	२४/०४/१९६०	३०/०४/२०२२	NOC निगमित	8/8/2022
२१	अ. शंकर नाईक	वैद्यकीय अधिकारक, शाल्य, सामान्य कल्याण, चंद्रपूर	02.06.1960	31.05.2022	NOC निगमित	3/2/2023
२२	अ. दिपक शेट	वैद्यकीय अधिकारक, ग्रामीण कल्याण, कुड्डे वि. वि. वि.	08.08.1960	31.05.2022	NOC निगमित	21/10/22
२३	अ. प्रभाकर चव्हाण	वैद्यकीय अधिकारक, ग्रामीण कल्याण, मोडकी वि. वि. वि.	15.04.1961	31.05.2022	NOC निगमित	15/12/22
२४	अ. शरद अग्रवाल	वैद्य शाल्य चिकित्सक, सामान्य कल्याण, गांधी	03.10.1960	31.05.2022	NOC निगमित	15/12/22
२५	अ. अपिषा सावरकर	शारीरिककृती, सामान्य कल्याण, चंद्रपूर	26.12.1960	31.05.2022	NOC निगमित	4/10/2022
२६	अ. विष्णू अरुण शिंदे कांदे	जिल्हा शाल्य चिकित्सक, सा.क. मंडळ	28.12.1960	31.05.2022	NOC निगमित	9/1/2023
२७	अ. राजेंद्र कल्याणराव जाधव	उपसंचालक, आरोग्य सेवा, नागपूर मंडळ, नागपूर	22.09.1961	31.05.2022	NOC निगमित	5/8/2022

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अ.क्र.	अधिका-यांचे नाव	पदनाम	जन्मदिनांक	संवातिवृत्तीचा दिनांक (Format DO-MMM-YYYY)	शेरा	प्र.महालेखाक १ यांचेकडून पॉपीओ मंजूर दिनांक
२८	अ.विशेषतः वातुदेवराव दगड	वैद्यकीय अधिकारक, उपचिकित्सक विभाग, चंद्रपूर	11.04.1962	31.05.2022	NOC निष्पत्ती	
२९	अ.अधिकारी मी.पं.अन	वातुदेव देव, अनाम कुली ग्रामस्थानीय कार्यालय, चंद्रपूर	17.06.1960	31.05.2022	NOC निष्पत्ती	नवीन वसुंधरा दिनांक १०/१०/२०२२
३०	अ.अ.वि.जी तुलाय तुल	मी.लेखन, अनाम कुली ग्रामस्थानीय कार्यालय, चंद्रपूर	06.12.1960	31.05.2022	NOC निष्पत्ती	
उपचंडालक आरोग्य सेवा शासिक मंडळ, नाशिक						
३१	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, गट-अ, वर्ग-१, विभागीय संदर्भ सेवा	१४/०८/१९५९	३०/०८/२०२१	NOC निष्पत्ती	14/8/23
३२	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, वर्ग-१, विभागीय संदर्भ सेवा कार्यालय, नाशिक	०८/८/१९५९	३०/०८/२०२१	NOC निष्पत्ती	31/3/22
३३	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी, वर्ग-१, पिल्हा कार्यालय, अहमदनगर	३/९/१९५९	३०/०९/२०२१	NOC निष्पत्ती	
३४	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी, वर्ग-१ (अतिरिक्त) जिल्हा कार्यालय, पळगाव	२/१४/१९५९	३०/१४/२०२१	NOC निष्पत्ती	7/11/2022
३५	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी वर्ग १ प्र.क.वैद्यकीय वि. अहमदनगर	12.10.1960	31.05.2022	NOC निष्पत्ती	
३६	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी वर्ग १ अ.आर्या कार्यालय, पालगाव	01.06.1960	31.05.2022	NOC निष्पत्ती	4/3/2022
३७	अ.अ.वि.जी तुलाय तुल	गरीबविकृती वड, वि. अहमदनगर	09.05.1960	31.05.2022	NOC निष्पत्ती	
३८	अ.अ.वि.जी तुलाय तुल	अ.वि.वि.वि. (विशेषतः) पिल्हा कार्यालय, नाशिक	01.06.1961	31.05.2022	NOC निष्पत्ती	30/8/22
३९	अ.अ.वि.जी तुलाय तुल	अ.वि.वि.वि. (विशेषतः) पिल्हा कार्यालय, नाशिक	10.06.1961	31.05.2022	NOC निष्पत्ती	8/7/2022
४०	अ.अ.वि.जी तुलाय तुल	अ.वि.वि.वि. (विशेषतः) पिल्हा कार्यालय, नाशिक	11.09.1961	31.05.2022	NOC निष्पत्ती	3/6/2022
४१	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, वर्ग-१, आरोग्य कार्यालय, वि.पुणे	01.04.1962	31.05.2022	NOC निष्पत्ती	
४२	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी (नेत्ररोग चिकित्सक) जिल्हा कार्यालय, चंद्रपूर	16.05.1962	31.05.2022	NOC निष्पत्ती	30/8/22
उपचंडालक आरोग्य सेवा पुणे मंडळ, पुणे						
४३	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, आरोग्य सेवा, (वैद्यकीय)	१४/०८/१९५९	३०/०८/२०२१	NOC निष्पत्ती	17/5/23
४४	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी (तुलना) वर्ग-१, आरोग्य कार्यालय, वेरवडा, पुणे	30/04/1960	30/04/2022	NOC निष्पत्ती	27/7/22
४५	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी, वर्ग-१, पिल्हा कार्यालय, काठारा	13/०९/१९५९	३०/०९/२०२१	NOC निष्पत्ती	30/1/23
४६	अ.अ.वि.जी तुलाय तुल	गटा, संघालक, आरोग्य सेवा, (वैद्यकीय)	13.02.1961	31.05.2022	NOC निष्पत्ती	13/5/22
४७	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी वर्ग-१, आरोग्य कार्यालय, वेरवडा, पुणे	01.06.1961	31.05.2022	NOC निष्पत्ती	13/12/22
४८	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी वर्ग-१	01.06.1960	31.05.2022	NOC निष्पत्ती	10/10/2022
४९	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, वर्ग-१	15.06.1960	31.05.2022	NOC निष्पत्ती	20/9/23
५०	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक,	13.06.1960	31.05.2022	NOC निष्पत्ती	9/3/2023
५१	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारी वर्ग-१, आरोग्य कार्यालय, वेरवडा, पुणे	07.06.1960	31.05.2022	NOC निष्पत्ती	30/8/22
५२	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक,	08.06.1960	31.05.2022	NOC निष्पत्ती	30/8/22
५३	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक,	26.11.1960	31.05.2022	NOC निष्पत्ती	
५४	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, वर्ग-१ जिल्हा कार्यालय, पुणे	०२/०३/१९६२	31.05.2022	NOC निष्पत्ती	13/5/23
५५	अ.अ.वि.जी तुलाय तुल	पिल्हा कार्यालय, काठारा	6/1/1962	31.05.2022	NOC निष्पत्ती	30/1/23
५६	अ.अ.वि.जी तुलाय तुल	वैद्यकीय अधिकारक, आरोग्य सेवा, (वैद्यकीय)	२४/०८/१९६२	31.05.2022	NOC निष्पत्ती	

अ.क्र.	अभिज्ञान-नाम	पदनाम	जन्मदिनांक	सेवानिवृत्तीचा दिनांक (Format DD-MM-YYYY)	शेरा	स.पहालेचाक र यांचेकडून पोलीस भंडार ठिकाण
५४	अ.दत्तात्रय रवीचंदन कानकर	वैयक्तिक अधिकारी, ग्रामीण कर्मचारी प्रशासन वि. पुणे	१०.०५.१९६२	३१.०५.२०२२	NOC निगमित	२३/१०/२३
५५	अ.वसंत चंद्रराव देगमाडे	वैयक्तिक अधिकारी (कर्मचारी प्रशासन) वर्ग-१, जिल्हा कर्मचारी पुणे	१५/०८/१९६९	३१.०५.२०२२	NOC निगमित	१६/०३/२३
५६	अ.महेश चंद्रकांत कुतुंबी	गवस वि.कृती शास्त्रज्ञ वर्ग-१, जिल्हा कर्मचारी सातारा	१३/०८/१९६९	३१.०५.२०२२	NOC निगमित	१३/१२/२३
५७	अ.शरद वसंत जाधव	नियंत्रण वि. वि. जिल्हा कर्मचारी सातारा	१/०२/१९६२	३१.०५.२०२२	NOC निगमित	३०/८/२२
उपविभाग आरोग्य सेवा शाखा मंडळ, सातारा.						
६१	अ.दिनेश डी. गावडे	वैयक्तिक अधिकारी, ग्रामीण कर्मचारी, सातारा, वि. सातारा.	३४/४/१९६०	३०/०५/२०२२	NOC निगमित	०६/०५/२३
६२	अ.अशोक कावळे	अति.वि.स.वि.सा.उ.सातारा	०९/०६/६०	३१.०५.२०२२	NOC निगमित	१५/०९/२२
६३	अ.तंजव शंदोरे	वैयक्तिक अधिकारी, ग्रामीण कर्मचारी, मुंबई	१०/०५/६०	३१.०५.२०२२	NOC निगमित	३१/०३/२३
६४	अ.देवाचंद चव्हाण (सातारा)	वै.अ.गट-अ वर्ग-१ (संलग्न वि.संलग्न वि.सातारा)	३४/०५/६२	३१.०५.२०२२	NOC निगमित	४/८/२०२३
६५	अ.जयराज अ. निसे	वै.अ.गट-अ वर्ग-१ (संलग्न वि.संलग्न वि.सातारा)	१६/०६/६९	३१.०५.२०२२	NOC निगमित	२३/१५/२२
६६	अ.जी.डी.आर.कुकर	वैयक्तिक अधिकारी, सा.उ.सातारा-सातारा	०९/०९/६९	३१.०५.२०२२	NOC निगमित	१४/४/२०२३
६७	अ.चक्र पिनवर दवळे	वैयक्तिक अधिकारी, ग्रामीण कर्मचारी, जवळील वि.सातारा	०९/०८/६०	३१.०५.२०२२	NOC निगमित	१/१३
६८	अ.सुरेश कृष्णजी देवकर	जिल्हा शाखा अधिकारी, वि.स.केंद्र, अलिबाग-सातारा	०९/०९/६२	३१.०५.२०२२	NOC निगमित	३४/१०/२२
उपविभाग आरोग्य सेवा अकोला मंडळ, अकोला						
६९	अ.विजय शंकर कुटुंबे	नैज गत्य वि.कर्मचारी, वर्ग-१, सातारा कर्मचारी, मुलगा.	१९/०८/१९६९	३१/०५/२०२१	NOC निगमित	२४/११/२१
७०	अ. श्यामसुंदर हरिभाऊ दिवस	जिल्हा गत्य वि.कर्मचारी, अनारवडी, वि. अनारवडी.	१३/०२/१९६०	३८/०२/२०२२	NOC निगमित	४/५/२०२२
७१	अ. विनायक विष्णू रावळ	वैयक्तिक अधिकारी, वर्ग-१, जिल्हा कर्मचारी सातारा	१५/०५/१९६०	३०/०५/२०२२	NOC निगमित	१६/८/२३
७२	अ. जयराज सुपर्वशी	वैयक्तिक अधिकारी, स्त्रीसेवा वि. जिल्हा कर्मचारी	३/४/१९६२	३१.०५.२०२२	NOC निगमित	४/३/२०२३
७३	अ.पी.सी.पंडीत	जिल्हा गत्य वि.कर्मचारी, सा.उ.मुलगा	१४.१२.१९६०	३१.०५.२०२२	NOC निगमित	४/५/२०२२
७४	अ.किशोर देगमाडे	सातारा शाखा शाखा	२३.११.१९६१	३१.०५.२०२२	NOC निगमित	६/१०/२०२२
७५	अ.तंजव श्रीराम खंडे	वैयक्तिक अधिकारी	२३.०५.१९६२	३१.०५.२०२२	NOC निगमित	६/१०/२०२२
७६	अ.विनायक विष्णू कुटुंबे	वैयक्तिक अधिकारी	१२.०७.१९६१	३१.०५.२०२२	NOC निगमित	१४/१/२३
७७	अ. खेतवद शंकरराव वासुदेव	उपविभाग आरोग्य सेवा (कुटुंबीय) अनारवडी.	१३.०५.१९६२	३१.०५.२०२२	NOC निगमित	२४/५/२३
उपविभाग आरोग्य सेवा सातारा मंडळ, सातारा.						
७८	अ. भारत रवीशान तेंपार	वैयक्तिक अधिकारी, वर्ग-१, स्त्री कर्मचारी, नांदेड	०५.०५.१९६०	३१.०५.२०२२	NOC निगमित	१६/०९/२०२२
७९	अ. सुनाव अशोक शेंकर	गवस वि.कर्मचारी, सा.उ.सातारा	१५.०४.१९६२	३१.०५.२०२२	NOC निगमित	२०/८/२३
८०	अ. राहुल शंकरराव सातारा	वैयक्तिक अधिकारी, जिल्हा कर्मचारी, वि.सातारा	२८.०५.१९६२	३१.०५.२०२२	NOC निगमित	१८/११/२२
उपविभाग आरोग्य सेवा औरंगाबाद मंडळ, औरंगाबाद.						
८१	अ.पी.बी.बकाल	गवस वि.कर्मचारी, सा.उ. औरंगाबाद	२९/०८/१९६९	३१/०५/२०२१	NOC निगमित	
८२	अ. सुंदर अशोक कुतुंबी	जिल्हा गत्य वि.कर्मचारी, जिल्हा कर्मचारी औरंगाबाद	८/४/१९६९	३१/०५/२०२१	NOC निगमित	१३/१०/२३
८३	अ. मोहनदास जाधव अकर	वैयक्तिक अधिकारी, कर्मचारी प्रशासन, जिल्हा	१८/१२/१९६९	३१/१२/२०२१	NOC निगमित	२०/८/२२
८४	अ. शालीनी चव्हाण कुंडे	(वि.सं) वैयक्तिक अधिकारी, वर्ग-१, वि.स.पुणे	४/६/१९६९	३०/०६/२०२१	NOC निगमित	३०/११/२१
८५	अ. सावित्री शंकरराव अकर	स्त्री कर्मचारी जिल्हा	२८.०५.१९६९	३१.०५.२०२२	NOC निगमित	३०/८/२३
८६	अ. ज्योती चव्हाण कुंडे	नैज वि.कर्मचारी	२८/०३/१९६२	३१.०५.२०२२	NOC निगमित	१८/५/२३

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अ.क्र.	अधिका-याचे नाव	पदनाम	पत्रादिनांक	संवातिवृत्तीचा दिनांक (Format DD-MM-YYYY)	शेरा	ना.महालखा र बांधकडून पीपीओ मंजूर दिनांक
८६	डॉ. संजीव दत्तदाहेर विरसाठ	संवातकरपत्रज्ञ	६/३१/१९६१	३१.०५.२०२२	NOC निगमित	27/12/22
८८	डॉ. पुराणेंद्र सिध्दोजी घव्हाण	संवातकर अधिकारी	६/१/१९६२	३१.०५.२०२२	NOC निगमित	३१/१२/२०२२
८९	डॉ. प्रकाश/किशनराव आळे	आतं, जिल्हा शल्य चिकित्सक	१/४/१९६१	३१.०५.२०२२	NOC निगमित	25/12/22
९०	डॉ. नारायण बुकाचन बुदनल	अध्यापक/गणित विभाग	४/१६/१९६२	३१.०५.२०२२	NOC निगमित	21/12/22
अतिरिक्त संवातकर आरोग्य सेवा (कुटुंब कल्याण), पुणे.						
९१	डॉ. दिलीप आचारण पाटील	सहायक संवातकर आरोग्य सेवा (कुटुंब कल्याण) पुणे.	१४/०९/१९५९	३०/०९/२०२१	NOC निगमित	23/3/22

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
AT MUMBAI

ORIGINAL APPLICATION NO. 623 OF 2023.

Dr. Vijay Nathhuji Dekate & Ors. ... Applicants

v/s

The State of Maharashtra & Ors. ... Respondents

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2.	R-1s	Copy of Cabinet decision dated 19.07.2018	260

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Ms. Swati P. Manchekar
Chief Presenting Officer
M.A.T. Mumbai

<RSP>

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
AT MUMBAI

ORIGINAL APPLICATION NO. 623 OF 2023.

Dr. Vijay Nathhuji Dekate & Ors. ... Applicants
v/s
The State of Maharashtra & Ors. ... Respondents

SHORT AFFIDAVIT OF ADDITIONAL CHIEF
SECRETARY, FINANCE DEPARTMENT
(In compliance with Order dtd. 15.6.2023)

I, Ashish Kumar Singh, Age : 59 years, working as
Additional Chief Secretary (Treasury and Accounts), Finance
Department, Mantralaya, Mumbai, do hereby state on solemn
affirmation as under :



1. I say that I have perused the copy of the order dtd.
15.6.2023 as well as other relevant records of the case. I crave

[Signature]

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leave of this Hon'ble Tribunal to further add or amend the affidavit and/or file additional affidavit, if so found necessary.




2. The Hon'ble Tribunal has directed to file affidavit of Finance Department on the basis of cabinet note for issuance of the notification dated 23.02.2022 issued by Finance Department amending Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982.

3. I say and submit that the State Cabinet, on 19.07.2018, took decision as follows :

“सार्वजनिक आरोग्य विभागातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट अ मधील वैद्यकीय अधिकारी (वेतनबँड १५६००-३९९०० ग्रेड पे ५४००) व जिल्हा शल्य चिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संवर्ग (वेतनबँड १५६००-३९९०० ग्रेड पे ६६००) मधील पदे व वरिष्ठ पदे (वेतनबँड १५६००-३९९०० ग्रेड पे ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विभा सेवा, गट-अ (वेतनबँड १५६००-३९९०० ग्रेड पे ५४०० व त्यावरील सर्व)



[Handwritten signature]

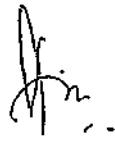


वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षांपर्यंत वाढविण्याबाबतच्या प्रस्तावास मान्यता देण्यात यावी. सदर निर्णय दिनांक ३१.०५.२०१८ पासून पूर्वतरी प्रभावाने पाच वर्षांसाठी (दिनांक ३१.०५.२०२३ पर्यंत) लागू करण्यास मान्यता देण्यात यावी".

Hereto annexed and marked as Exhibit R-1 is the copy of Cabinet decision dated 19.07.2018.

4. I say and submit that, in pursuance of above Cabinet decision dated 19.07.2018, the Public Health Department issued Government Resolution dated 29.08.2018 thereby increasing the age of retirement of abovesaid Medical Officers from age 58 to 60 years with retrospective effect from date 31.05.2018 for period of five years i.e. dated 31.05.2023.

5. I say and submit that thereafter the Public Health Department on 09.12.2021 forwarded the proposal to Finance Department in order to issue Notification amending Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982 in view of



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the Government Resolutions issued by Public Health Department on the subject.

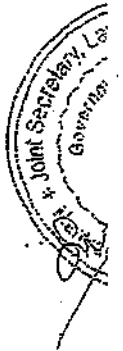


6. I say and submit that the Finance Department has issued notification dated 23.02.2022 thereby amending the Rule 10 of Maharashtra Civil Services (Pension) Rules, 1982.

7. I say and submit that on perusal of provisos of sub-rule (iv) of rule 2 of said Notification dated 23.02.2022 read as follows :

(iv) for both the provisos as so added, the following provisos shall be substituted and shall be deemed to have been substituted with effect from the 1st June 2022, namely :-

Provided that, the officers in District Civil Surgeon, Specialist, Police Surgeon and Medical Officers Cadres in Maharashtra medical and health services, Group A and Medical Officers Cadres in Maharashtra Medical Insurance services, Group A



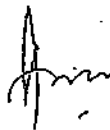
[Signature]

(In Pay Level in Pay Matrix S- 20 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years :

Provided further that, the Officers in Director, Additional Director, Joint Director, Deputy Director and District Health officer Cadres in Maharashtra Medical and Health Services, Group A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharashtra Medical and Insurance Services, Group-A (In Pay Level in Pay Matrix S-23 and above as per Seventh Pay Commission) shall retire from the service on the afternoon of the last day of the month in which he attains age of 60 years:

Provided also that, the above provisos shall be in force till the 31st May 2023."

8. Hence, Medical Officers who do not attain the age of 60 years during the period from 01.06.2022 to 31.05.2023 shall be deemed to retire on the last date of the month in which the Medical Officer attains the age of



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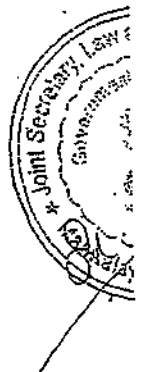
60 years. E.g. Medical Officers who will complete 58 years of age on 24.04.2023 will retire on 30.04.2025 instead of retiring on 31.05.2023 as per the above provision. Also Medical Officers who will complete 58 years of age on 24.06.2023 will however retire on 30.06.2023 as per original provision of Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982.

9. Hence this affidavit.

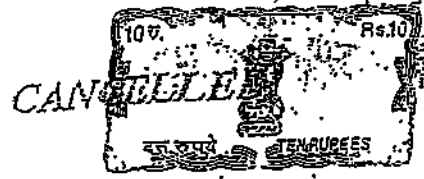
Mumbai.

Dated 24.07.2023.


RESPONDENT



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VERIFICATION

I, Ashish Kumar Singh, Age : 59 years, working as Additional Chief Secretary (Treasury and Accounts), Finance Department, Mantralaya, Mumbai, do hereby state on solemn affirmation that contents of para nos. 1 to 9 of the affidavit are true to the best of my knowledge and information derived from the records and files maintained in the office and I verify the same to be true. I say that I have not suppressed any material facts from this Hon'ble Tribunal.

Solemnly affirmed at Mumbai.
This 24 day of July, 2023.

Ashish
DEPONENT
BEFORE ME

Identified by :

Manisha
(Manisha Yuvraj Kamte)
Deputy Secretary, Finance Dept.
Mantralaya, Mumbai.

Swati P. Manchekar
Ms. Swati P. Manchekar
Chief Presenting Officer
M.A.T. Mumbai.

Deponent's Email ID :
seva4.fd@maharashtra.gov.in

<RSP>

SOLEMNLY AFFIRMED
BEFORE ME BY THE DEPONENT
SHRI ASHISH KUMAR SINGH.
TO WHOM I PERSONALLY KNOW.

Manisha
Manisha, Deputy Secretary
Law and Judiciary Department
Dated 24-7-2023
& Oath Officer Appointed
under oaths Act, 1969





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[illegible][illegible]

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 आयुक्त आरोग्य सेवा व अभियान संचालक, राष्ट्रीय आरोग्य अभियान सार्वजनिक आरोग्य विभाग, महाराष्ट्र शासन धांदे कार्यालय		
दुरध्वनी - ०२२ - २२७ २७५०० फॅक्स - ०२२ - २२६४ २२५५ E-mail - mdnrm.mumbai@gmail.com	आरोग्य भवन, ३ ग मजला, ग्रेट जॉर्ज न्यायालय आवारा, पी. डिंगलो रोड, गीरगाव जिल्हा, कोर्ट, पुणे ४००००२	

अ.शा.पत्र क्र.आरोग्य/कस-१/दे.१/वै.अ.वयवादीवावत न्याय निर्णय/जा.क्र.६५१७
 दिनांक-०१ नोव्हेंबर २०२३. - To Whom it is Addressed?
 - As per Rule 7 - from the

विषय- महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट-अ (वैतनस्तर एस-२० व त्यावरील) संवर्गातील
 अधिका-यांचे वयवादी प्रकरणी मा. न्यायालयाने दिलेल्या निर्णयाबाबत.

महोदय,

महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट-अ (वैतनस्तर एस-२० व त्यावरील) संवर्गातील अधिका-यांचे
 वावतीत शासन (वित्त विभाग अधिसूचना दि. २३/०२/२०२२ अनुसार दि. ३१/०५/२०२३ रोजी ५८ वर्ष व त्यापेक्षा
 अधिक वय असलेल्या अधिका-यांना कार्यमुक्त करण्यात आले आहे.

सदरहू प्रकरणी मा. सच्च न्यायालय तसेच मा. महाराष्ट्र प्रशासकिय न्यायाधिकरण मुंबई/ नागपूर/
 औरंगाबाद येथे विविध याचिका दाखल झाल्या आहेत. मा. सच्च न्यायालयाच्या दि. ०५/१०/२०२३ रोजीच्या
 अंतरिम आदेशास अनुसरून शासनाच्या दि. ११/१०/२०२३ रोजीच्या पत्रान्वये प्राप्त निर्देशानुसार
 दि. ३१/०५/२०२३ रोजी कार्यमुक्त केलेल्या १३ अधिका-यांना पदस्थापना देऊन पुनश्च रुजू करून घेण्यात
 आले आहे.

मा. महाराष्ट्र प्रशासकिय न्यायाधिकरण मुंबई यांनी दि. ३०/१०/२०२३ रोजीच्या अंतरिम आदेशान्वये
 दि. ३१/०५/२०२३ नंतर सेवानिवृत्त झालेल्या तसेच दि. ३०/१०/२०२३ व त्यानंतर वयाची ६० वर्षे पूर्ण होईपर्यंत
 वैद्यकीय अधिका-यांच्या सेवा सुरू ठेवण्याबाबत अंतरिम निर्णय दिला असून शासनाने त्यान्वये कार्यवाही
 करण्याचे दि. ३१/१०/२०२३ रोजी आयुक्तालयास निर्देश दिलेले आहेत.

सदरील निर्णयान्वये वित्त विभागाची अधिसूचना दि. २३/०२/२०२२ प्रभावित झाली आहे. सदर
 अधिसूचनेअन्वये वैद्यकीय अधिका-यांचे वय ५८ वर्षांपेक्षा ६० वर्षे होईपर्यंतची तरतुद दि. ३१/०५/२०२३ पर्यंतच
 चर्चास होती. तदनंतर महाराष्ट्र नागरी सेवा (निवृत्तीवैतन) नियम १९८३ च्या नियम १० (१) पूर्ववत लागू झाला
 असून त्यानुसार दि. ३१/०५/२०२३ ते दि. ३१/१०/२०२३ पर्यंत वयाची ५८ वर्षे पूर्ण करणा-या (एकूण २०)
 वैद्यकीय अधिका-यांना विभागाने सेवानिवृत्त केले आहे. सदरील न्याय निर्णयान्वये सेवानिवृत्त झालेल्या
 वैद्यकीय अधिका-यांना मुनसच सेवेत घेतल्यास खालील प्रशासकिय अडचणी उद्भवणार आहेत-

कृ.मा.प.

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२। वैयक्तिक अधिका-यांचे भविष्य निर्वाह निर्धीची कपात संयानिदुस्तीचे तीन महिने आधी बंद होऊन भविष्य निर्वाह लेखे संयानिदुस्तीचे दिनाकास बंद होतात.

५) संवाग्विद्वत् ज्ञातलया वैद्यकिय अधिका-यांना पुनश्च नियमाशिवाय सेवेत घेतल्यास त्यांचे अंतिम संवाग्विद्वत्ते वंदन व भक्तो मंजूरीबाबत अडचणी निर्माण होण्याची शक्यता आहे.

30/90/2023

तदनुसार वित्त विभागाधी अधिसूचना दि. २३/०२/२०२२ इबादल करन वैधकिय अधिका-यांचे सेवानिवृत्तीचे बयाबायत महाराष्ट्र नागरी सेवा (निवृत्तीवैतन) नियम १० पोटनियम (१) पूर्ववत लागू करावा किंवा (सेवानिवृत्तीचे वय वर्ष ५८ ठरविणे) किंवा वैधकिय अधिका-यांचे सेवानिवृत्तीचे बयाबायत महाराष्ट्र नागरी सेवा (निवृत्तीवैतन) नियम १० पोटनियम (१) मध्ये सुधारणा करणेबायत शासनस्तरावर उचित निर्णय व्हावेत ही विनंती.

आदरपूर्वक साज्जा



आयुक्त आरोग्य सेवा तथा

आमिषान संचालक, राष्ट्रीय आरोग्य समिथान, मुंबई.

श्री. गिरींद नैसकर, भा.प्र.से.

अपर मुख्य सचिव,

सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई

Annexure G
अ.गु.स (सार्व आरोग्य)

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नपासूत अ' प्रमाणे नाकादर
प्रमाणे सादर कयावा.

दि. ०५/०४/२०२३

मुंबई

प्रती,

मा. ना. एकनाथजी शिंदे साहेब,

मुख्यमंत्री, महाराष्ट्र शासन, महाराष्ट्र राज्य मंत्रालय मुंबई.

मा. ना. डॉ. प्रा. श्री. तानाजीराव साबंत साहेब,

मंत्री, सार्वजनिक आरोग्य व कुटुंब कल्याण विभाग महाराष्ट्र राज्य मंत्रालय.

मुंबई ३२

विषय-

सार्वजनिक आरोग्य विभागातील वैद्यकीय अधिकारी वर्ग १ व वर्ग

अ'

२ यांचे सेवानिवृत्तीचे वय दादविण्याबाबत.....

संदर्भ-

१) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक

सेवानि-१८१५/प्र.क्र.२१६/सेवा-२, दि. ०३.०९.२०१५

२) शासन निर्णय सेवानि. १५१८/प्र.क्र.४८१/१५ वैसेवा. १६८/सेवा २
दिनांक २९.०८.२०१८

३) शासन सुवधीपत्रक क्रमांक सेवानि १३१९/प्र.क्र. ४८/१५ सेवा
२ दिनांक २६.११.२०१९

४) शासन निर्णय क्रमांक न्यायप्र. ३०१८ सेवानि. प्रक्र. २५४/सेवा २
दिनांक ३१.०५.२०२१

५) शासन निर्णय क्रमांक सेवानि-३१३५/प्रक्र. ८१/१५ वैसेवा १
दिनांक ०५.०३.२०१५

मा. महोदय

वरील संदर्भित विषयान्वये आम्ही आपणास वितरण केलेली गोष्टी निदर्शनास आणू
दृष्टीची की संदर्भ क्र. ३ अन्वये राज्याच्या सार्वजनिक आरोग्य विभागाकडून सामान्य
रुग्णालय उपजिल्हा रुग्णालय ग्रामीण रुग्णालय राज्य कामगार विभा. रुग्णालय
तसेच प्राथमिक आरोग्य केंद्र यासधुन रुग्णांना आरोग्य सुविधा पुरविण्यात येतात
त्याची सुदार रुग्णालयातील वैद्यकीय अधिकारी व वरील अधिकाऱ्यांच्या
कमतरतमक रुग्णांना नेहमते योग्य आरोग्य सुविधा पुरविण्यात अडथळा निर्माण होत

आहेत. वैद्यकीय अधिकारी तसेच विशेष तज्ञ पदासाठी प्रयत्न करून देखील पुरेशा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत नाहीत वा उपलब्ध झालेसही पसंतीच्या ठिकाणी पदस्थापना न मिळाल्यामुळे सेवेत रुजू न होण्याचे प्रमाण खुप मोठ्या प्रमाणात आहे. परिणामी आरोग्य सेवेतील पदे मोठ्या प्रमाणात रिक्त राहत असून त्याचा राज्यातील रुग्ण सेवेवर विपरीत परिणाम होत आहे. त्याअनुषंगाने शासन निर्णय दिनांक २९/०८/२०१८ अन्वये महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील वैद्यकीय अधिकारी व राज्य कामगार विमा योजनेअंतर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील वैद्यकीय अधिकारी व दरीष्ठ पदांवरील अधिकारी-यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षापर्यंत वाढवण्याचा शासनाने निर्णय घेतला होता. सदर निर्णय दिनांक ३१/०५/२०१८ पासून पुर्वलक्षी प्रभावाने ५ वर्षासाठी (दिनांक ३१/०५/२०२३ पर्यंत) लागू करण्यात आलेला आहे.

तसेच महाराष्ट्र वैद्यकीय सेवा गट अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा गट अ मधील वैद्यकीय अधिकारी तसेच जिल्हा शल्यचिकीत्सक तसेच विशेष तज्ञ संवर्गातील व इतर अशा अधिका-यांचे सेवानिवृत्तीचे वय ३१/०५/२०१९ पासून पुर्वलक्षी प्रभावाने २ वर्षासाठी दिनांक ३१/०५/२०२१ पर्यंत ६० वरून ६२ वर्षापर्यंत वाढविण्याबाबतचा निर्णय दिनांक ०१/०७/२०१९ च्या शासन निर्णयान्वये व दिनांक २६/११/२०१९ च्या शुध्दीपत्रकान्वये मा.मंत्री मंडळाच्या मान्यतेच्या अधिन राहून घेण्यात आले आहे. सदर शासन निर्णयाची मुदत ही ३१ मे २०२१ रोजी संपुष्टात आली आहे.

सध्या राज्यात कोव्हीड सायरोग संसर्गाचा प्रादुर्भाव वेगाने वाढत असून त्याच बरोबर नजीकच्या कालावधीत तिसरी लाट येण्याची शक्यता आहे यास्तव नियंत्रण मिळविण्याच्या दृष्टीने उपाययोजना करणे व त्याची अंमलबजावणी करण्यासाठी वैद्यकीय अधिकारी तसेच दरीष्ठ अधिकारी-यांची विभागास नितांत आवश्यकता आहे तसेच महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील विविध संवर्गातील १९३ अधिकारी दिनांक ३१/०५/२०२१ अखेर सेवानिवृत्त होत आहेत इत्यक्या मोठ्या प्रमाणात एकाच वेळी अधिकारी सेवानिवृत्त होत असल्याने आरोग्यसेवेवर होणारा परिणाम व कोव्हीड १९ चा वाढता प्रादुर्भाव विचारात घेता आरोग्य सेवा आयुक्तालयाअंतर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील वैद्यकीय अधिकारी व दरीष्ठ पदांवरील अधिकारी यांचे वय संदर्भ क्र.३ अन्वये सेवानिवृत्तीचे वय शासन निर्णयानुसार वाढविण्यात आलेले आहे. सदर शासन निर्णय

हा दिनांक ३१/०५/२०२१ पासून दिनांक ३१/०५/२०२२ पर्यंत अमलात आणलेला आहे. त्यामुळे ३१/०५/२०२३ ला सेवानिवृत्तीचे वय ५८,५९,६० या तीनही वयातील अधिकारी मोठ्या प्रमाणात सेवानिवृत्त होणार आहेत. त्यामुळे आरोग्य सेवेवर याचा विपरीत परिणाम होण्याची शक्यता आहे हि समस्या कायमची दूर करण्यासाठी आरोग्य सेवेतील सर्व स्तरावरील अधिका-यांचे निवृत्तीचे वय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग शासन निर्णय सेवादि-३१३५/प्र.क-८१/१५ दि.सेवा १ दिनांक ०५/०३/२०१५ अन्वये सार्वजनिक आरोग्य विभागातील सर्व अधिका-यांचे (डॉक्टर) वय ६४ केल्यास संश्लेषण येणारा ताण व जणतेला देण्यात येणारी आरोग्य सेवा त्यातील अडचणी नक्कीच कमी होतील असे मत आहे.

सध्या संपूर्ण भारतात आजादीका अमृत महोत्सव सुरु असुण भारत सरकार आरोग्य विभाग व सार्वजनिक आरोग्य विभाग यांनी विविध स्तरावर राष्ट्रीय कार्यक्रमाचे निर्मुलन करण्याबाबत उद्देश निश्चित करण्यात आले आहेत. यासाठी वरीष्ठ अनुभवी डॉक्टरांची (काम करू इच्छिनारे) अत्यंत आवश्यकता आहे.

साथरोग नियंत्रण, बालमृत्यु, मातामृत्यु, तसेच असर्गिय आजार प्रचंड मोठ्या प्रमाणात वाढत असुने या सर्व समस्यांना प्रतिबंध, नियंत्रण, निर्मुलन करण्यासाठी विभागास मोठ्या प्रमाणात वैद्यकीय अधिका-यांची गरज आहे. या साठी सेवेतील वरीष्ठ डॉक्टरांना ५८ वर्षी निवृत्त न करता त्यांचे वय वाढवुन त्यांच्याकडुन त्यांना नियमित सेवा देण्यास प्रवृत्त करावे. आरोग्य विभागात नियोजण, अंमलबजावणी, नियंत्रण, मार्गदर्शन, प्रशिक्षण या सर्व बाबीसाठी वरीष्ठ डॉक्टरांची आवश्यकता आहे. वरीष्ठ डॉक्टरांना सेवा देण्यासाठी ३ वेळा शासन निर्णय निर्गमित करण्यात आलेले आहेत. परंतु आजही डॉक्टर नसल्यामुळे जणतेस पुरेसा प्रमाणात आरोग्य सेवा मिळत नाहीत. केंद्रशासनाने ६५ वर्ष डॉक्टरांचे वय वाढविण्याबाबतचा शासन निर्णय निर्गमित केला आहे तसेच वैद्यकीय शिक्षण व औषधी द्रव्य विभाग या विभागाने डॉक्टरांच्या निवृत्तीचे वय ६४ केलेले आहे. तसेच इतर राज्याने केंद्रशासनाच्या धरतीवर जणतेला सेवा देण्यासाठी निवृत्तीच्या वयामध्ये वाढ देण्यात आलेली आहे. राष्ट्रीय आरोग्य अभियान मध्ये डॉक्टरांना ७० वर्षांपर्यंत कंत्राटी पद्धतीने काम करण्यात संधी दिलेली आहे. परंतु हे सर्व कंत्राटी असल्याने डॉक्टरांची इच्छा असुनही रुजू होत नाहीत. तसेच जणतेला २४ तास आरोग्य सेवा मिळण्यासाठी आपला दवाखाना काढण्यात आलेला आहे. परंतु त्यासाठी डॉक्टर मिळत नाही यासर्व बाबीचा विचार करता सर्व सर्वगातील

अधिकारी (डॉक्टर) यांचे निवृत्तीचे वय ५८ वर्षावरून ६४ करावे असे आरोग्य विभागातील सर्व सर्वगातील अधिकाऱ्यांचे मत आहे :

१) दि. २७/०९/२०१७ रोजी मा.प्रधानमंत्री नरेंद्रजी मोदी यांच्या अध्यक्षतेखाली झालेल्या केंद्रीय मंत्री मंडळाच्या बैठकीमध्ये, केंद्रशासनाच्या अक्षा-यारतीतील सर्व विभागात काम करणाऱ्या डॉक्टरांचे वय ६५ वर्ष पर्यंत वाढविले आहे.

अ) साधारणपणे १४०० ते १५०० वरिष्ठ श्रेणीतील डॉक्टर्स सेवानिवृत्त होत आहेत. त्यांच्या ज्ञानाचा व अनुभवाचा फायदा आणखी काही वर्षे सामान्य जनतेला मिळवण्यासाठी हा निर्णय घेण्यात आला आहे.

ब) वरिष्ठ श्रेणीतील जवळ पास १४०० ते १५०० डॉक्टर्स सेवानिवृत्त होत असल्यामुळे मोठ्या प्रमाणात डॉक्टरांची पदे रिक्त पदे होत आहेत. या डॉक्टरांचे निवृत्तीचे वय ६० वरून सरळ ६५ पर्यंत वाढविणे आले आहे.

२) महाराष्ट्रात पदभरतीसाठी वयाची अट सर्वसामान्यासाठी ३८ वर्ष व राखीव वर्गासाठी ४३ वर्ष आहे. एमबीबीएस हा अभ्यासक्रम पूर्ण करण्यासाठी वयाची कमीतकमी २५ वर्ष लागतात. एम डी /एम.एस. अभ्यासक्रम पूर्ण करण्यासाठी डॉक्टरांचे वयाचे २८ ते २९ वर्ष पूर्ण होतात. तसेच डीएम/एमसीएच हा सुपर स्पेशलिटी अभ्यासक्रम पूर्ण करण्यासाठी डॉक्टरांना आयुष्याची ३२ ते ३३ वर्ष द्यावे लागतात. म्हणजेच डॉक्टरांच्या आयुष्याचा ४० ते ५० टक्के कालावधी हा एमबीबीएस, एमडी/एम.एस व डी.एम/एमसीएच पूर्ण करण्यात जातात. एमबीबीएस सह सर्व उच्च वैद्यकीय शैक्षणिक अर्हता जगातील सर्वात कठीण अभ्यासक्रमाची अर्हता असून, ती अर्हता प्राप्त करणे खूप कठीण आहे, हे जगाने मान्य केले आहे.

३) वरिष्ठ डॉक्टर्स शासनाच्या सर्व योजनां व्यवस्थित व सुरळीतपणे राबविण्यात वाकबगार असतात. रुग्णालयात सामान्य जनतेस सर्व सोयीसुविधा उपलब्ध करून देण्यात, वयोवृद्धांचे आजार- हृदयाशी संबंधित आजार, मधुमेह, उच्च रक्तदाब, कर्करोग, अस्थिरोग, वेगवेगळ्या अस्त्रक्रिया तसेच बालमृत्यू दर, मातामृत्यू दर कमी करणे, लसीकरण, मातांचा रोगापासून बचाव करणे, कुपोषणापासून होणाऱ्या आजारांवर मात करणेबाबत डॉक्टरांच्या ज्ञानाचा व अनुभवाचा फार मोठ्या प्रमाणात उपयोग होत आहेत.

- ४) अ) महाराष्ट्र शासनाच्या वैद्यकीय शिक्षण विभागातील सर्व डॉक्टरांचे वय ६४ वर्षांपर्यंत वाढविले आहे. कारण वैद्यकीय शिक्षण विभागात असलेल्या रिक्त पदांमुळे वैद्यकीय अभ्यासक्रमाचे शिक्षण घेणाऱ्या विद्यार्थ्यांच्या शिक्षणात अडथळे निर्माण होत होते, संशोधनात अडथळे येत होते. डॉक्टर व जनता यांचे गुणवत्तर प्रमाण कमी असल्यामुळे हा निर्णय घेण्यात आला आहे.
- ब) सार्वजनिक आरोग्य विभागातील जवळ जवळ ३५० ते ५८० डॉक्टर मे २०१८ मध्ये सेवानिवृत्त होत आहेत. हे सर्व बरिष्ठ डॉक्टर्स असून, त्यांच्या सेवानिवृत्ती वय ६५ वर्ष केली तर त्यांच्या अनुभवाचा व ज्ञानाचा फायदा आपली ५ ते ६ वर्ष सामान्य जनतेस होणार आहे. बऱ्याच वर्षांपासून म्हणजेच २० ते २५ वर्षांपासून साधारणपणे ८००-९०० डॉक्टरांची पदे रिक्त राहात आहेत. त्या रिक्त पदांमुळे आर्थिक भार शासनावर अजिबात पडणार नाही
- ५) अ) २० वर्षांपूर्वी समाजातील पुरुषांचे आयुष्यमान ५६ वर्ष होते, तर स्त्रियांचे वय ५८ वर्ष होते. आता भारतातील पुरुषांचे आयुष्यमान ७३ वर्ष तर स्त्रियांचे आयुष्यमान ७५ वर्ष झाले आहे. महाराष्ट्रात हेच प्रमाण ७८ ते ८० वर्ष आहे. त्यामुळे बयोवृद्धावर/बालकांवर आणि कमवत्या लोकांवर उपचार करणाऱ्या डॉक्टरांची संख्या कमीच राहणार आहे, त्यामुळे ती ही वय ६५ करणे योग्य आहे.
- ब) MCI डॉक्टरांचे सेवानिवृत्तीचे वय ७० वर्ष केले आहे. महाराष्ट्रात ६५ वर्षांपर्यंत लागू आहे. म्हणून महाराष्ट्रात सेवानिवृत्तीचे वय ६५ वर्ष करणे अत्यंत योग्य आहे.
- ६) डॉक्टरांचे वय ६५ वर्ष केले तर आर्थिकदृष्ट्या भार पाडणार नाही उलट मानव विकास निर्देशांक (Human Development Index) वाढविण्यास त्यांच्या ज्ञानाचा व अनुभवाचा फार उपयोग होणार आहे. कारण बरीच पदे रिक्त असल्यामुळे, हे डॉक्टर्स आहे त्या पदावरच काम करणार आहेत.
- ७) केंद्र शासनाच्या मागील ३ ते ४ वर्षात बऱ्याच योजना आरोग्याबाबत आलेल्या आहेत. त्या समाजात रुजवणे त्याचा फायदा सामान्यांना करून देणे, सामाजाचे प्रबोधन करणे यासाठी अनुभवी व तज्ञ बरिष्ठ डॉक्टरांची

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नितांत गरज आहे. तसेच केंद्र सरकारने डॉक्टरांचे निवृत्तीचे वय ६५ वर्ष करण्याचे मंजूर केले आहे. त्याच धर्तीवर राज्य शासनाने केंद्र सरकारने घेतलेल्या निर्णयाचे अवलोकन करून सकारात्मक विचार करून, त्यानुसार डॉक्टरांचे सेवानिवृत्तीचे वय ६५ वर्ष करावेत यासाठी विनंती आहे.

८) संदर्भ क्रं १ शासन निर्णय दिनांक ३१.०५.२०२३ रोजी समाप्त होत आहे.

या जी आर मुळे डिसेंबर २०२२ ते मे २०२३ या काळात एकूण ११० वर्ग १ (तज्ञ) व अंदाजे ४५० पेक्षा अधिक वर्ग २ वैद्यकीय अधिकारी (एमबीबीएस डॉक्टर) सेवा निवृत्त होत आहेत. तसेच राज्यात डिसेंबर अखेर १२०० पेक्षा जास्त डॉक्टरांची पदे रिक्त आहेत. याचा निश्चितपणे रुग्णसेवेवर परिणाम होईल व सार्वजनिक आरोग्य विभागाची बदनामी होईल.

महाराष्ट्र शासनाच्या सार्वजनिक आरोग्य विभागाचे सतत जनतेला परिपूर्ण व गुणवत्तापूर्ण आरोग्य सेवा देण्याचे धोरण राहिले आहे. परंतु पुरेशा अनुभवी वैद्यकीय अधिकाऱ्यांच्या (तज्ञ डॉक्टर) अभावी हे साध्य करणे शक्य होणार नाही.

९) राज्यात वैद्यकीय शिक्षण पूर्ण करून बाहेर पडल्यानंतर डॉक्टरांना शासनात सेवा देणे सक्तीचे केले हे तरी देखील पुरेशा प्रमाणात जागा भरल्या जात नाहीत. बंधपत्रित म्हणून हुजूर झालेले डॉक्टर अनुभव कमी असल्याने आवश्यक त्या गुणवत्तेच्या सेवा देऊ शकत नाहीत.

त्यामुळे अनेक (LAQ) उदभवतात. तसेच रुग्ण व त्यांचे नातेवाईक यांचे योग्य प्रकारे समुपदेशन करू शकत नसल्याने वैद्यकीय अधिकारी यांच्यावर वारंवार हल्ला होणे, आरोग्य संस्थेतील सामानाची नासधूस करणे असे प्रश्न उदभवतात व यामुळे आरोग्य विभागाची नाहाक बदनामी होते. तसेच ते मुख्यालयात रहात नाही.

१०) नवीन डॉक्टर मुलं वैद्यकीय अधिकारी म्हणून सेवेत येण्यास इच्छुक नाहीत. कोविड १९ कालावधीत अत्याधुनिक उपकरणांची खरेदी करण्यात

आली आहे. परंतु अनुभवी व प्रशिक्षित वैद्यकीय अधिकारी (डॉक्टर) नसल्यास त्याचा सुगुणाचा उपयोग होणार नाही. देशात व राज्यात सेवानिवृत्तीनंतर (NRHM) अंतर्गत अनुभवी अधिकारी म्हणून सेवानिवृत्त डॉक्टरांना बंधपत्रित म्हणून सत्तर (७०) वर्षांपर्यंत सेवा देण्याकरीता भरती केले जाते.

- ११) महाराष्ट्र शासन वैद्यकीय शिक्षण व औषधी द्रव्य विभागात कार्यरत असलेले आमचे सहकारी मित्र ६४ वर्ष सेवा देतात. ही बाब विचारात घेता समान शिक्षण समान काम असल्याने दोन विभागातील डॉक्टरांना वेगळा न्याय नसावा असे वाटते.
- १२) सन २०१८ पासून मे २०२३ पर्यंत ६२ व ६० यापूर्वी अधिकाऱ्यांनी आरोग्य सेवा या विभागात दिलेली आहे. असेच आम्हाला सुद्धा ५८ वर्षांपुढे आरोग्य सेवा देण्याची संधी मिळावी.
- १३) त्याचप्रमाणे केंद्रातील आरोग्य विभागात कार्यरत असणारे डॉक्टर यांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे. केंद्रातील आरोग्य विभागाप्रमाणे तेलंगणा, कर्नाटक, राजस्थान, पंजाब, हरियाणा, मध्यप्रदेश व उत्तर प्रदेश इत्यादी २५ राज्यात देखील डॉक्टरांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे.
- १४) सार्वजनिक आरोग्य विभागात सध्या काम करणेसाठी एमबीबीएस व विशेषतः फक्त एकूण अधिकाऱ्यांपैकी ३० टक्केच कार्यरत आहेत व ७० टक्के बीएएमएस कार्यरत आहेत.
- १५) आरोग्य विभागात जिल्हा आरोग्य संवर्गातील ४४ टक्के तसेच जिल्हा शल्य चिकित्सक संवर्गातील ४३ टक्के तसेच विशेषतः संवर्गातील ७२ टक्के, एमएमएचएस ६६ टक्के पदे रिक्त आहेत.

१६) महाराष्ट्रात एकूण २२ जिल्हा रुग्णालय, साधारण रुग्णालय ८, संदर्भीय रुग्णालय २, स्त्री रुग्णालय ३०, उपजिल्हा रुग्णालय (१०० बेड) ३२, उपजिल्हा रुग्णालय (५० बेड) ६३, ग्रामीण रुग्णालय ३६३, प्राथमिक आरोग्य केंद्र १९०६, क्षय रुग्णालय ५, मनोरुग्णालय ४ या सर्व संस्थेमार्फत जनतेला आरोग्य सेवा पुरविल्या जातात.

१७) वरील सर्व संस्था सुरक्षित चालण्यासाठी एमबीबीएस व तज्ञ डॉक्टरांची आवश्यकता आहे. सन जानेवारी २०२३ ते डिसेंबर २०२३ या कालावधीत वर्ग १ चे ८९ तसेच वर्ग अ मधील २०२ वैद्यकीय अधिकारी असे एकूण २९१ अधिकारी सेवानिवृत्त होत आहे. त्यामुळे आरोग्य सेवेत पोकळी निर्माण होऊन आरोग्य सेवेवर विपरित परिणाम होईल. तसेच जनतेला उत्कृष्ट व गुणवत्तापूर्ण वैद्यकीय सेवा देण्यात अडथळा येऊ शकतो, असे मत आहे. तरी वर्ग १ व वर्ग २ चे सेवानिवृत्तीचे वय वाढवावे जेणेकरून जनतेस उत्कृष्ट व गुणवत्तापूर्ण आरोग्य सेवा देणे शक्य होईल.

१८) सन जानेवारी २०२३ ते डिसेंबर २०२३ या कालावधीत महिनावार खालीलप्रमाणे वर्ग १ मधील अधिकारी व वैद्यकीय अधिकारी सेवानिवृत्त होत आहेत.

अ.क्र.	माहे	संवर्ग अ	वैद्यकीय अधिकारी
१	जानेवारी २०२३	१	८
२	फेब्रुवारी २०२३	१	४
३	मार्च २०२३	३	४
४	एप्रिल २०२३	४	३
५	मे २०२३	५९	१४३
६	जून २०२३	५	४
७	जुलै २०२३	७	९
८	ऑगस्ट २०२३	०	७
९	सप्टेंबर २०२३	३	३

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१०	ऑक्टोबर २०२३	१	८
११	नोव्हेंबर २०२३	१	२
१२	डिसेंबर २०२३	४	७
	एकूण	८९	२०२

- १९) सद्या आरोग्य विभागात एमबीबीएस झालेले डॉक्टर येण्यास टाळाटाळ करतात. बॉन्डेड डॉक्टर सुद्धा बॉन्ड पूर्ण करण्यासाठी फक्त आरोग्य विभागात रुजू होतात व कामात टाळाटाळ करतात व बॉन्ड पूर्ण झाल्यानंतर सोडून जातात. त्यामुळे आरोग्य विभागात एमबीबीएस डॉक्टरांची कमतरता आहे.
- २०) उच्च शिक्षित डॉक्टर आरोग्य विभागात रुजू होण्यास तयार नसतात. त्यामुळे एमबीबीएस डॉक्टर व उच्च शिक्षित डॉक्टरांची कमतरता असल्यामुळे असल्याच्या डॉक्टरांवर तणाव सुरु झालेला आहे.
- २१) सन २०२३ च्या मे महिन्यात सेवानिवृत्तीचे प्रमाण एकूण निवृत्तीच्या ९० टक्के असल्याने आरोग्य सेवेत त्रुटी निर्माण होऊ नये याकरीता सार्वजनिक आरोग्य विभागातील सेवानिवृत्तीचे वय वाढवावे असे मत आहे.
- २२) शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र. २५४/सेवा-२ गोकुळदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला मंत्रालय, मुंबई दिनांक ३१.०५.२०२१ ह्या शासन निर्णयाप्रमाणे सेवानिवृत्तीचे वय वाढविणेत यावे.
- २३) वरील संदर्भित १,२,३ कार्यन्वीत करताना आरोग्य विभागातील काही अधिकारी मॅट मध्ये, उच्च न्यायालयात, सर्वोच्च न्यायालयात गेलेले होते. जिल्हाआरोग्य अधिकारी संवर्ग संघटना, महाराष्ट्र राज्य याचे पत्र दि.१२.०१.२०२२ नुसार संदर्भित १,२,३ कार्यन्वीत करताना नियमबाह्य, ठराविक लोकांच्यासाठी वरील शासन निर्णय काढण्यात आलेले होते असे आरोप केलेले होते. शासन स्तरावरून एकूण ५ शासन निर्णय त्यामध्ये महाराष्ट्र नागरी सेवा (निवृत्ती वेतन) नियम १९८२

मधील नियम १० मध्ये सुधार करणे अवश्यक होते. परंतु सेवा नियमात सुधारणा न करता सेवा निवृत्तीचे वय वाढवणे नियम बाह्य होते. असे संघटनेने पत्र दिलेले आहे. परंतु आरोग्य विभागात डॉक्टर नसल्यामुळे, मोठ्या प्रमाणात पदे रिक्त असल्याने, वेळोवेळीच्या साथी येत असल्याने शासनाने डॉक्टराचे वय वाढवले आहेत. उच्च न्यायालय व सर्वोच्च न्यायालयाने पुढील काळामध्ये शासनाने वय वाढीचा विचार केल्यास त्याकरीता योग्य प्रक्रिया करून वय वाढविण्यास न्यायालयाची हरकत नाही, असे न्यायालयाने निर्णय दिलेला आहे.

२४)

तरी शासन निर्णय क्रमांक:सेवानि-२११५/प्रक्रं ८१/१५/वैसेवा १

दिनांक ०५.०३.२०१५ नुसार महाराष्ट्र शासन वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग यांनी त्याच्या विभागातील सर्व डॉक्टराचे सेवा निवृत्तीचे वय ५८ वर्षांवरून ६४ वर्ष केलेले आहे. त्यानुसार सार्वजनिक आरोग्य विभागातील सर्व डॉक्टराचे सेवा निवृत्तीचे वय ५८ वर्षांवरून ६४ वर्ष करावे.

२५)

उपरोक्त प्रक्रियेत विलंब होत असल्याने व या वर्षातील सेवा निवृत्तीचा कालावधी दि. ३१.०५.२०२३ रोजी संपुष्टात येत असल्याने ५८, ५९, ६० या वयातील सर्व डॉक्टर सेवा निवृत्ती होतील त्यामुळे आरोग्य विभागात डॉक्टरांची खूप मोठ्याप्रमाणात कमतरता भासण्याची शक्यता आहे. तरी दि. ३१.०५.२०२३ रोजी डॉक्टरांना सेवा निवृत्त करू नये असे आदेश आरोग्य विभागातमार्फत निर्णमित करण्यात यावे हि नम्र विनंती.

या सर्व गोष्टींचा विचार करता आम्ही सर्व वैद्यकीय अधिकारी वर्ग १ व वर्ग २ सार्वजनिक आरोग्य विभागात आजपर्यंत प्रामाणिकपणे जनतेला आरोग्य सेवा देत आहोत व यापुढेही देत राहू.

सेवानिवृत्ती वयात दोन विभागातील भेदभाव दूर करून आमच्यावर होणारा अन्याय दूर करावा व ऐच्छिक स्वरूपात जे अधिकारी त्यांच्या सेवा नियमितपणे सार्वजनिक आरोग्य विभागात देऊ इच्छितात त्यांचे वैद्यकीय पात्रता व मागील दिलेल्या सेवा समाधानकारक आहे अशा अधिकाऱ्यांना ऐच्छिक स्वरूपात

वयाची ६४ वर्ष पर्यंत आरोग्य सेवेत काम करण्याची संधी द्यावी व त्यांच्या अनुभवाचा उपयोग आरोग्य विभागात व जनतेस करून घ्यावा ही नम्र विनंती.

यामुळे कार्यरत वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय वैद्यकीय शिक्षण व औषधी द्रव्य विभागातील डॉक्टरांप्रमाणे ६४ वर्ष केल्यास याचा निश्चितपणे जनतेस व सार्वजनिक आरोग्य विभागास फायदा होईल व संदर्भ क्र १ व २ शासन

निर्णयान्वये सध्या कार्यरत असलेल्या अधिकार्यांमध्ये झालेली अन्यायाची भावना दूर होईल व त्यांच्या कामातील उत्साह वाढेल तरी मेहरबांन साहेबांनी सर्व वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय ६४ वर्ष करावे, ही विनंती

आपले विश्वासू

(सार्वजनिक आरोग्य विभागात कार्यरत असलेले सर्व अधिकारी)

१) जिल्हा शल्य चिकित्सक संवर्ग

२) जिल्हा आरोग्य अधिकारी संवर्ग

३) विशेष तज्ञ संवर्ग

४) वैद्यकीय अधिकारी संवर्ग

• प्रत माहितीस्तव व पुढील कार्यवाहीस्तव सविनय सादर

१) मा. प्रधान सचिव, सार्वजनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि. टि. रुग्णालय आवार, मंत्रालय मुंबई

२) मा. सचिव, सार्वजनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि.टि. रुग्णालय आवार, मंत्रालय मुंबई

३) मा. आयुक्त, सार्वजनिक आरोग्य विभाग आयुक्तालय, मुंबई

४) मा. संचालक, सार्वजनिक आरोग्य विभाग संचालनालय, मुंबई/पुणे.

डा. बाबेबा. मोरे

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मंत्री
सार्वजनिक आरोग्य विभाग
तपासून
दि. ०५/०४/२०२३
मुंबई

प्रती,

मा. ना. एकनाथजी शिंदे साहेब,

मुख्यमंत्री, महाराष्ट्र शासन, महाराष्ट्र राज्य मंत्रालय मुंबई.

मा.ता.डॉ. प्रा. श्री. तानाजीराव सावंत साहेब,

मंत्री, सार्वजनिक आरोग्य व कुटुंब कल्याण विभाग महाराष्ट्र राज्य मंत्रालय
मुंबई ३२

विषय- सार्वजनिक आरोग्य विभागातील वैद्यकीय अधिकारी वर्ग १ व वर्ग
२ यांचे सेवानिवृत्तीचे वय वाढविण्याबाबत.....

संदर्भ. - १) सार्वजनिक आरोग्य विभाग शासन निर्णय क्रमांक

सेवानि-१४१५/प्र.क्र. ३१६/सेवा-२, दि. ०३.०९.२०१५

२) शासन निर्णय सेवानि. ७५१८ प्र.क्र. १/१५ वैसेवा. १६८/सेवा २
दिनांक २९.०८.२०१८

३) शासन शुद्धीपत्रक क्रमांक सेवानि १३१९/ प्र.क्र. ४८/१५ सेवा
२ दिनांक २६.११.२०१९

४) शासन निर्णय क्रमांक त्वा.प्र. ३०१८ सेवानि. प्रक्र. २५४/सेवा २
दिनांक ३१.०५.२०२२

५) शासन निर्णय क्रमांक सेवानि-२११५/प्रक्र. ८१/१५ वैसेवा १
दिनांक ०५.०८.२०२२

सा. महोदय,

वरील संदर्भीय विषयान्वये आम्ही आपण सार्वजनिक आरोग्य विभागाकडून सामान्य
रुग्णालयां उपजिल्हा रुग्णालय ग्रामीण रुग्णालय राज्य कामगार विमा रुग्णालय
तसेच प्राथमिक आरोग्य केंद्र यांमधून रुग्णांना आरोग्य सुविधा पुरविण्यात येताना
तपासी सदर रुग्णालयातील वैद्यकीय अधिकारी व वरीष्ठ अधिकार्यांच्या
कमतरतेमुळे रुग्णांना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडचणी निर्माण होत

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दि. ०५/०४/२०२३
मुंबई

प्रती,

मा.ना.डॉ. प्रा. श्री. तानाजीराव सावंत साहेब,

मंत्री, सार्वजनिक आरोग्य व कुटुंब कल्याण विभाग महाराष्ट्र राज्य मंत्रालय

मुंबई ३२

विषय- सार्वजनिक आरोग्य विभागातील वैद्यकीय अधिकारी वर्ग १ व वर्ग २ यांचे सेवानिवृत्तीचे वय वाढविण्याबाबत.....

संदर्भ - १) शासन निर्णय सेवानि.१५१८ प्र क्र १/१५ दैसेवा.१६८/सेवा २ दिनांक २९.०८.२०१८

२) शासन बुद्धीपत्रक क्रमांक सेवानि १३१९/ प्र क्र ४८/१५सेवा २ दिनांक २६.०९.२०१९.

३) शासन निर्णय क्रमांक: न्यायप्र.३०१८ सेवानि.प्रक्रं २५४/सेवा २ दिनांक ३१.०५.२०२१

26/04/2023

वैद्यकीय
मंत्री

महाराष्ट्र
मंत्रालय
मुंबई-४०० ०३२

वरील संदर्भात विषयान्वये आम्ही आपणांस विनम्रपणे खालील गोष्टी निदर्शनास आणू इच्छितो की

१) संदर्भ क्रं १ शासन निर्णय दिनांक ३१.०५.२०२३ शेजी समाप्त होत आहे.

या जी.आर.मुळे डिसेंबर २०२२ ते मे. २०२३ या काळात एकूण ११० वर्ग १ (तज्ञ) व अंदाजे ४५० पेक्षा अधिक वर्ग २ वैद्यकीय अधिकारी (एमबीबीएस डॉक्टर) सेवा निवृत्त होत आहेत. तसेच राज्यात

सार्वजनिक आरोग्य विभागात अखेर १२०० पेक्षा जास्त डॉक्टरांची पदे रिक्त आहेत. याचा

वैद्यकीय
मंत्री
मुंबई-४०० ०३२

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16 APR 2023
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निश्चितपणे रुग्णसेवेवर परिणाम होईल व सार्वजनिक आरोग्य विभागाची बदनामी होईल.

महाराष्ट्र शासनाच्या सार्वजनिक आरोग्य विभागाचे सतत जनतेला परिपूर्ण व गुणवत्तापूर्ण आरोग्य सेवा देण्याचे धोरण राहिले आहे.

परंतु पुरेशा अनुभवी वैद्यकीय अधिकार्यांच्या (तज्ञ डॉक्टर) अभावी हे साध्य करणे शक्य होणार नाही.

- २) राज्यात वैद्यकीय शिक्षण पूर्ण करून बाहेर पडल्यानंतर डॉक्टरांना शासनात सेवा देणे सक्तीचे केले हे तरी देखील पुरेशा प्रमाणात जागा भरल्या जात नाहीत. बंधपत्रित म्हणून हजार झालेले डॉक्टर अनुभव कमी असल्याने आवश्यक त्या गुणवत्तेच्या सेवा देऊ शकत नाहीत.

त्यामुळे अनेक (LAQ) उदभवतात. तसेच रुग्ण व त्यांचे नातेवाईक यांचे योग्य प्रकारे समुपदेशन करू शकत नसल्याने वैद्यकीय अधिकारी यांच्यावर वारंवार हल्ला होणे, आरोग्य संस्थेतील सामानाची नासधूस करणे असे प्रसंग उदभवतात व यामुळे आरोग्य विभागाची नावाक बदनामी होते. तसेच ते मुख्यालयात रहात नाही.

- ३) नवीन डॉक्टर मुलं वैद्यकीय अधिकारी म्हणून सेवेत येण्यास इच्छुक नाहीत. क्वेबिड १९ कालावधीत अत्याधुनिक उपकरणांची खरेदी करण्यात आली आहे. परंतु अनुभवी व प्रशिक्षित वैद्यकीय अधिकारी (डॉक्टर) नसल्यास त्याचा रुग्णांना उपयोग होणार नाही. देशात व राज्यात सेवानिवृत्तीनंतर (NRHM) अंतर्गत अनुभवी अधिकारी म्हणून

२०१८-१९
२०१९-२०
२०२०-२१

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सेवानिवृत्त डॉक्टरांना बंधपत्रित म्हणून सत्तर (७०) वर्षपर्यंत सेवा देण्याकरीता भरती केले जाते.

४) महाराष्ट्र शासन वैद्यकीय शिक्षण व औषधी द्रव्य विभागात कार्यरत असलेले आमचे सहकारी मित्र ६४ वर्ष सेवा देतात. ही बाब विचारात घेता समान शिक्षण समान काम असल्याने दोन विभागातील डॉक्टरांना वेगळा, न्याय नसावा असे वाटते.

५) सन. २०१८ पासून मे २०२३ पर्यंत ६२ व ६० यापूर्वी अधिकाऱ्यांनी आरोग्य सेवा या विभागात दिलेली आहे. असेच आम्हाला सुद्धा ५८ वर्षांपुढे आरोग्य सेवा देण्याची संधी मिळावी.

६) त्याचप्रमाणे केंद्रातील आरोग्य विभागात कार्यरत असणारे डॉक्टर यांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे. केंद्रातील आरोग्य विभागाप्रमाणे तेलंगणा, कर्नाटक, राजस्थान, पंजाब, हरियाणा, मध्यप्रदेश व उत्तर प्रदेश इत्यादी २५ राज्यात देखील डॉक्टरांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे.

७) सार्वजनिक आरोग्य विभागात सध्या काम करणेसाठी एमबीबीएस व विशेषतः फक्त एकूण अधिकाऱ्यांपैकी ३० टक्केच कार्यरत आहेत व ७० टक्के बीएएमएस कार्यरत आहेत.

८) आरोग्य विभागात जिल्हा आरोग्य संवर्गातील ४४ टक्के तसेच जिल्हा शल्य चिकित्सक संवर्गातील ४३ टक्के तसेच विशेषतज्ञ संवर्गातील ७२ टक्के, एमएमएचएस ६६ टक्के पदे रिक्त आहेत.

९) महाराष्ट्रात एकूण २२ जिल्हा रुग्णालय, साधारण रुग्णालय ८, संदर्भाय रुग्णालय २, स्त्री रुग्णालय २०, उपजिल्हा रुग्णालय (१०० बेड) ३२, उपजिल्हा रुग्णालय (५० बेड) ६३, ग्रामीण रुग्णालय ३६३, प्राथमिक आरोग्य केंद्र १९०६, क्षय रुग्णालय ५, मनोरुग्णालय ४ या सर्व संस्थेमार्फत जनतेला आरोग्य सेवा पुरविल्या जातात.

१०) वरील सर्व संस्था सुरळित चालण्यासाठी एमबीबीएस व तज्ञ डॉक्टरांची आवश्यकता आहे. सन जानेवारी २०२३ ते डिसेंबर २०२३ या कालावधीत वर्ग १ चे ८९ तसेच वर्ग अ मधील २०२ वैद्यकीय अधिकारी असे एकूण २९१ अधिकारी सेवानिवृत्त होत आहे. त्यामुळे आरोग्य सेवेत पोकळी निर्माण होऊन आरोग्य सेवेवर विपरित परिणाम होईल. तसेच जनतेला उत्कृष्ट व गुणवत्तापूर्ण वैद्यकीय सेवा देण्यात अडथळा येऊ शकतो, असे मत आहे. तरी वर्ग १ व वर्ग २ चे सेवानिवृत्तीचे वय वाढवावे जेणेकरून जनतेस उत्कृष्ट व गुणवत्तापूर्ण आरोग्य सेवा देणे शक्य होईल.

११) सन जानेवारी २०२३ ते डिसेंबर २०२३ या कालावधीत महिनावार खालीलप्रमाणे वर्ग १ मधील अधिकारी व वैद्यकीय अधिकारी सेवानिवृत्त होत आहेत:

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अ.क्र.	माहे	संवर्ग अ	वैद्यकीय अधिकारी
१	जानेवारी २०२३	१	८
२	फेब्रुवारी २०२३	१	४
३	मार्च २०२३	३	४
४	एप्रिल २०२३	४	३
५	मे २०२३	५९	१४३
६	जून २०२३	५	४
७	जुलै २०२३	७	९
८	ऑगस्ट २०२३	०	७
९	सप्टेंबर २०२३	३	३
१०	ऑक्टोबर २०२३	१	८
११	नोव्हेंबर २०२३	१	२
१२	डिसेंबर २०२३	४	७
	एकूण	८९	२०२

- १२) सद्या आरोग्य विभागात एमबीबीएस झालेले डॉक्टर येण्यास टाळाटाळ करतात. बॉन्डेड डॉक्टर सुद्धा बॉन्ड पूर्ण करण्यासाठी फक्त आरोग्य विभागात रुजू होतात व कामात टाळाटाळ करतात व बॉन्ड पूर्ण झाल्यानंतर सोडून जातात. त्यामुळे आरोग्य विभागात एमबीबीएस डॉक्टरांची कमतरता आहे.

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१३) उच्च शिक्षित डॉक्टर आरोग्य विभागात रुजू होण्यास तयार नसतात. त्यामुळे एमबीबीएस डॉक्टर व उच्च शिक्षित डॉक्टरांची कमतरता असल्यामुळे असपाऱ्या डॉक्टरांवर तपाव सुरु झालेला आहे.

१४) सन २०२३ च्या मे महिन्यात सेवानिवृत्तीचे प्रमाण एकूण निवृत्तीच्या ९० टक्के असल्याने आरोग्य सेवेत त्रुटी निर्माण होऊ नये याकरीता सार्वजनिक आरोग्य विभागातील सेवानिवृत्तीचे वय वाढवावे असे मत आहे.

१५) शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र. २५४/सेवा-२ गोकुळदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला मंत्रालय, मुंबई दिनांक ३१.०५.२०२१ ह्या शासन निर्णयाप्रमाणे सेवानिवृत्तीचे वय वाढविणेत यावे.

या सर्व गोष्टींचा विचार करता आम्ही सर्व वैद्यकीय अधिकारी वर्ग १ व वर्ग २ सार्वजनिक आरोग्य विभागात आजपर्यंत प्रामाणिकपणे जनतेला आरोग्य सेवा देत आहोत व यापुढेही देत राहू.

सेवानिवृत्ती वयात दोन विभागातील भेदभाव दूर करून आमच्यावर होणारा अन्याय दूर करावा व ऐच्छिक स्वरूपात जे अधिकारी त्यांच्या सेवा नियमितपणे सार्वजनिक आरोग्य विभागात देऊ इच्छितात त्यांचे वैद्यकीय पात्रता व मागील दिलेल्या सेवा समाधानकारक आहे अशा अधिकार्यांना ऐच्छिक स्वरूपात वयाची ६४ वर्ष पर्यंत आरोग्य सेवेत काम करण्याची संधी द्यावी व त्यांच्या अनुभवाचा उपयोग आरोग्य विभागात व जनतेस करून घ्यावा ही नम्र विनंती.

यामुळे कार्यरत वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय वैद्यकीय शिक्षण व औषधी द्रव्य विभागातील डॉक्टरांप्रमाणे ६४ वर्ष केल्यास याचा निश्चितपणे जनतेस व सार्वजनिक आरोग्य विभागास फायदा होईल व संवर्धन क्र १ व २ शासन

निर्णयान्वये सध्या कार्यरत असलेल्या अधिकाऱ्यांमध्ये झालेली अन्यायाची भावना दूर होईल व त्यांच्या कामातील उत्साह वाढेल तरी मेहरबान साहेबांनी सर्व वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६४ वर्ष करावे, ही विनंती

आपले विश्वासू

(सार्वजनिक आरोग्य विभागात कार्यरत असलेले सर्व अधिकारी)

DR.

१) जिल्हा शल्य चिकित्सक संवर्ग

DR. Dekate

२) जिल्हा आरोग्य अधिकारी संवर्ग

DR. Patoke

DR. Sakhare

३) विशेष तज्ञ संवर्ग

DR. R. Kamble

४) वैद्यकीय अधिकारी संवर्ग

DR. Waghmare & S.

• प्रत माहितीस्तव व पुढील कार्यवाहीस्तव सविनय सादर

✓ १) मा. प्रधान सचिव, सार्वजनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि.टि.

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✓ २) मा. सचिव, सार्वजनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि.टि. रुग्णालय

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✓ ३) मा. आयुक्त, सार्वजनिक आरोग्य विभाग आयुक्तालय, मुंबई

✓ ४) मा. संचालक, सार्वजनिक आरोग्य विभाग संचाललय, मुंबई/पुणे.

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सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा आस्पतालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ पदावरील सर्व कार्यरत अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६२ वर्षांपर्यंत वाढविणेबाबत....

महाराष्ट्र शासन

सार्वजनिक आरोग्य विभाग

शासन निर्णय क्रमांक: न्यायप्र-३०१८/प्र.क्र.२५४/सेवा-२

गोकुळदास तेजपाल रुग्णालय संकुल इमारत, १० वा मजला

मंत्रालय, मुंबई-४०० ००१

दिनांक: ३१ मे, २०२१

ब्राह्म :-१) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-११८/प्र.क्र.१६८/ सेवा-२ दि. २९.०८.२०१८

२) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-१३१९/प्र.क्र. ४८/सेवा-२, दि. ०१.०७.२०१९

३) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक : सेवानि-१३१९/प्र.क्र. ४८/सेवा-२, दि. २६.११.२०१९

प्रस्तावना :-

राज्याच्या सार्वजनिक आरोग्य विभागाकडून सामान्य रुग्णालये, उपजिल्हा रुग्णालये, प्राथमिक रुग्णालये राज्य कामगार विमा रुग्णालये यांमधून रुग्णांना आरोग्य सुविधा पुरविण्यात येतात. तथापि, सदर रुग्णालयातील वैद्यकीय अधिकारी व वरिष्ठ अधिकाऱ्यांच्या कनतरतेमुळे रुग्णांना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडचणी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषज्ञ पदासाठी प्रयत्न करून देखील पुरेशा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत नाहीत वा उपलब्ध झाल्यासही पसंतीच्या टिकाणी पदस्थापना न मिळाल्यास सेवेत रुजू न होण्याचे प्रमाण मोठ्या प्रमाणात आहे. परिणामी आरोग्य सेवेतील पदे मोठ्या प्रमाणात रिक्त राहत असून त्याचा राज्यातील रुग्णसेवेवर विपरित परिणाम होत आहे. त्याअनुषंगाने शासन निर्णय दि. २९.०८.२०१८ अन्वये महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी व राज्य कामगार विमा योजनेतर्गत महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ पदावरील अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षापर्यंत वाढविण्याचा शासनाने निर्णय घेतला आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्वलसी प्रभावाने पाच वर्षासाठी (दि. ३१.०५.२०२३ पर्यंत) लागू करण्यात आला आहे.

२. तसेच, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी तसेच जिल्हा सत्यचिकित्सक, विशेषज्ञ संवर्गातील जे थेट रुग्णसेवा देतात अशा अधिकाऱ्यांचे सेवानिवृत्तीचे वय दि. ३१.०५.२०१९ पासून पूर्वलसी प्रभावाने दोन वर्षासाठी (दि. ३१.०५.२०२१ पर्यंत) ६० वरून ६२ वर्षापर्यंत वाढविण्याबाबतचा निर्णय दि. ०१.०७.२०१९ च्या शासन निर्णयान्वये व दि. २६.११.२०१९ च्या शुध्दीपत्रकान्वये मा. मंत्रीमंडळाच्या मान्यतेच्या अधीन राहून घेण्यात आला आहे. सदर शासन निर्णयाची मुदत दि. ३१.०५.२०२१ रोजी संपुष्टात येत आहे.

३. सध्या राज्यात कोरोना सांख्यिक संसर्गाचा प्रादुर्भाव वेगाने वाढत असून, त्याच बरोबर नजीकच्या कालावधीत तिसरी लाट येणार असण्याची शक्यता आहे. यास्तव त्यावर नियंत्रण मिळविण्याच्या दृष्टीने

शासन निर्णय ३०१८/प्र.अ.३५४/सेवा-२ दि.३१.०५.२०२१

उपलब्धतेने करणे व त्याची अंमलबजावणी करण्यासाठी वैद्यकीय अधिकारी तसेच वरिष्ठ अधिकाऱ्यांची विभागस नितांत आवश्यकता आहे. तसेच, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील विविध संवर्गातील ११३ अधिकारी दि. ३१.०५.२०२१ अखेर सेवानिवृत्त होत आहेत. इतक्या मोठ्या प्रमाणात एकाच वेळी अधिकारी सेवानिवृत्त होत असल्याने, आरोग्य सेवेवर होणारा परिणाम व कोव्हिड-१९ चा वाढता प्रादुर्भाव विचारात घेता, आरोग्य सेवा आयुक्तालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरीष्ठ पदावरील (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२३ : ६७७००-२०८७०० व त्यावरील) अधिकारी तसेच राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील अधिकाऱ्यांचे सेवानिवृत्तीचे वय कोव्हिड-१९ च्या पार्श्वभूमीवर वाढविण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा आयुक्तालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२३ : ६७७००-२०८७०० व त्यावरील) सर्व अधिकारी तसेच राज्य कामगार विमा योजनेतर्गत महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वैतन मॅट्रिक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील सर्व कार्यरत अधिकारी यांचे सेवानिवृत्तीचे वय एक वर्षासाठी ६२ वर्षांपर्यंत वाढविण्यात येत आहे. सदर शासन निर्णय हा दि.३१.०५.२०२१ पासून दि.३१.०५.२०२२ पर्यंत अंमलत राहील.

२. सदर शासन निर्णय मा. मंत्रिमंडळाची कार्यांतर मान्यता निष्पण्याच्या अधीन राहून निर्गमित करण्यात येत आहे.

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२१०५३११००२११५०१७ असा आहे. हा आदेश डिप्टील स्वक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vishnudas
Pundlikrao
Ghodke

Digitally signed by Vishnudas Pundlikrao Ghodke
DN: cn=Vishnudas Pundlikrao Ghodke,
ou=Public Health Department,
serial=400072, c=Maharashtra,
2.5.4.20=3142a5d4ac71c58a99a6a5f518915
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cn=Vishnudas Pundlikrao Ghodke
Date: 2021.05.31 11:27:12 +05'30'

(वि. पु. घोडके)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव

२. मा. मुख्य सचिव महाराष्ट्र राज्य, मंत्रालय, मुंबई

पृष्ठ ३ पैकी २

आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व
आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी, जिल्हा
सत्यचिकित्सक व विशेषज्ञ संदर्भातील अधिकाऱ्यांचे तसेच
राज्य कानगार विभा योजनेतील महाराष्ट्र वैद्यकीय विभा
सेवा, गट-अ मधील वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय
६० वरून ६२ वर्षांपर्यंत वाढविणेबाबत....

महाराष्ट्र शासन

सार्वजनिक आरोग्य विभाग

शासन शुध्दीपत्रक क्रमांक: सेवानि-१३१९/प्र.क्र.४८/सेवा-२

गोकुळदास सेजपाल रुग्णालय संकुल इमारत, १० वा मजला

मंत्रालय, मुंबई-४०० ००१

दिनांक: २६ नोव्हेंबर, २०१९

वाचा :-

- १) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक: सेवानि-१११८/प्र.क्र.१६८/सेवा-२,
दि. २९.०८.२०१८
- २) आरोग्य सेवा संचालनालयाचे पत्र क्र.संआसे/कक्ष-१/टे-१/गट-अ/सेनिवय/६१०-६५/वैअ/ १८२३/
२०१९, दि. १६.०५.२०१९
- ३) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक: सेवानि-१३१९/प्र.क्र.४८/सेवा-२,
दि. ०९.०७.२०१९

प्रस्तावना :-

सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सहसंचालक, उपसंचालक व जिल्हा आरोग्य अधिकारी यांचे कार्यालयाचा तसेच राज्य कानगार विभा योजना कार्यालयातील महाराष्ट्र वैद्यकीय विभा सेवा, गट-अ मधील संचालक (वैद्यकीय), उपसंचालक (वैद्यकीय) व वैद्यकीय अधिकारी (एचव्हेजेणी), वैद्यकीय अधिकारी (निम्नश्रेणी) यांचा समावेश प्रशासनिक सेवेमध्ये करण्यात येऊन, सदर ठिकाणी कार्यरत असणाऱ्या अधिकाऱ्यांचे (सेवानिवृत्तीचे सध्याचे वय ६० वर्षे दि. ३१.५.२०२३ पर्यंत) सेवानिवृत्तीचे वय न वाढविण्याचा निर्णय घेण्यात आला आहे. तसेच सदर पदावरील अधिकारी वगळता आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ (६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील) तसेच राज्य कानगार विभा योजना कार्यालयातील महाराष्ट्र वैद्यकीय विभा सेवा, गट-अ मधील (६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील) चे वैद्यकीय अधिकारी थेट रुग्णसेवा देतात त्या अधिकाऱ्यांचे सेवानिवृत्तीचे वय २ वर्षासाठी (दि. ३१.५.२०२१ पर्यंत) ६० वरून ६२ वर्षांपर्यंत (दि. ३१.०५.२०१९ पासून पूर्वलक्षी प्रभावाने) वाढविण्यासंबंधीचा प्रस्ताव मा. मंत्रीमंडळासमोर सादर करण्याच्या अटीच्या अधीन राहून त्यांच्या वयाची ६२ वर्षे पूर्ण होईपर्यंत त्यांना शासन सेवेत ठेवण्याबाबत निर्णय घेण्यात आला असून, त्यानुसार शासन निर्णय दि. ०९.०७.२०१९ निर्गमित करण्यात आला आहे. तथापि, सदर शासन निर्णयाच्या अनुषंगाने विभागास येणाऱ्या अडचणी याचा विचार करता सदर शासन निर्णयात अंशतः सुधारणा करून सुधारीत शासन निर्णय निर्गमित करण्याची बाब विचाराधीन होती.

शासन शुध्दीपत्रक क्रमांक: सेवार्नि-१३११/प्र.अ.४८/संवा-२

शासन शुध्दीपत्रक :-

सार्वजनिक आरोग्य विभागाच्या अधिपत्याखालील आरोग्य सेवा संचालनालयातर्गत (६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील) महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट-अ मधील वैद्यकीय अधिकारी, जिल्हा शल्य चिकित्सक व विशेषज्ञ तसेच राज्य कामगार विभागात मधील महाराष्ट्र वैद्यकीय व विभागा सेवा, गट-अ मधील वैद्यकीय अधिकार्यांचे सेवानिवृत्तीचे वय ६० वरून ६२ वर्षांपर्यंत वाढविण्यासंबंधीचा प्रस्ताव मा. मंत्रीमंडळासमोर सादर करण्याच्या अटीच्या अधीन राहून दि. ०१.०४.२०१९ रोजी शासन निर्णय निर्गमित करण्यात आला आहे. सदर शासन निर्णयाच्या अंमलबजावणी संदर्भातील संक्रम दूर होण्याच्या दृष्टीकोनातून दि. ०१.०४.२०१९ रोजीच्या शासन निर्णयामध्ये खालील प्रमाणे अंशतः सुधारणा करण्यात येत आहे. :-

- (१) संचालक, अतिरिक्त संचालक, सहसंचालक, उपसंचालक व जिल्हा आरोग्य अधिकारी या संवर्गांचा रुग्णवेश प्रशासनिक सेवेमध्ये करण्यात येत आहे.
- (२) महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, सह संचालक व उपसंचालक या संवर्गात कार्यरत असलेल्या अधिकाऱ्यांना तसेच जिल्हा आरोग्य अधिकारी संवर्गातील अधिकाऱ्यांना सदर वयवाढ लागू राहणार नाही.
- (३) महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील जिल्हा शल्यचिकित्सक / विशेषज्ञ संवर्गातील सर्व कार्यरत अधिकाऱ्यांना (प्रतिनियुक्तीवर असलेल्या अधिकाऱ्यांसहीत) सदर वयवाढ लागू राहील. मात्र, जिल्हा शल्यचिकित्सक/विशेषज्ञ संवर्गातील ज्या अधिकाऱ्यांना एद श्रेणीअवतत करून वरिष्ठ पदावर पदस्थापना देण्यात आली आहे अशा कार्यरत अधिकाऱ्यांना सदर वयवाढ लागू राहणार नाही. परंतु अशा अधिकाऱ्यांनी त्यांच्या मूळ जिल्हा शल्यचिकित्सक / विशेषज्ञ संवर्गात पदस्थापना स्विकारण्यास इच्छुकता दर्शविल्यास त्यांना सदर वयवाढ लागू राहील.
- (४) तात्पुरत्या स्वरूपात संवर्ग बदलून जिल्हा आरोग्य अधिकारी संवर्गात कार्यरत असलेल्या अधिकाऱ्यांनी त्यांच्या मूळ संवर्गात (जिल्हा शल्यचिकित्सक/विशेषज्ञ संवर्गात) परत आल्यास त्यांना सदर वयवाढ लागू राहील.
- (५) ६ व्या वेतन आयोगानुसार वेतनश्रेणी रु. १५६००-३९१०० ग्रेड पे रु. ५४०० मधील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील सर्व वैद्यकीय अधिकार्यांना तसेच महाराष्ट्र वैद्यकीय व विभागा सेवा, गट-अ मधील वैद्यकीय अधिकार्यांना सदर वयवाढ लागू राहील.
- (६) सदरील आदेश, आदेश निर्गमित झाल्याच्या दिनांकापासून तात्काळ अंमलात येतील.

सार्वजनिक आरोग्य विभाग, शासन निर्णय दि. २९.०८.२०१८ मधील तरतुदी या पुढेही तशाच लागू राहतील.

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शासन शुध्दीपत्रक क्रमांक: सेवावि-१३१९/प्र.प्र.४८/सेवा-२

४. सदर शासन निर्णय वित्त विभाग, अनी. संदर्भ क्र. १४८/१९/सेवा-४, दि. २७.०८.२०१९ अन्वये निजालेल्या सहमतीनुसार निर्गमित करण्यात येत आहे.

५. सदर शासन शुध्दीपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१९११२६११०५५१६२५७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vishnudas
Pundlikrao
Ghodke

Digitally signed by Vishnudas Pundlikrao Ghodke
DN: cn=Vishnudas Pundlikrao Ghodke, o=Government of Maharashtra, ou=Public
Health Department, postalCode=400022,
serialNumber=2,
2.5.4.20a51423d4d6a71e09a5a86a5d81a9954b7a9
5d5390d4a81a9c74d7b62b41c,
serialNumber=363463431892029525811a1e9724a5
235d1776475d11648d59572b3a0f, cn=Vishnudas
Pundlikrao Ghodke
Date: 2019.11.25 17:33:57 +05'30'

(वि. पु. घोडके)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव
२. मा. मुख्य सचिव महाराष्ट्र राज्य
३. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई
४. आयुक्त, राज्य कामगार विना योजना, मुंबई
५. मुख्य कार्यकारी अधिकारी, महत्वा फुले जीवनदायी आरोग्य योजना, मुंबई
६. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
७. जिल्हाधिकारी (सर्व)
१०. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
११. संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई
१२. अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
१३. सह संचालक, आरोग्य सेवा (सर्व)
१४. उपसंचालक, आरोग्य सेवा (सर्व)
१५. जिल्हा शल्यचिकित्सक (सर्व)
१६. जिल्हा आरोग्य अधिकारी (सर्व)
१७. महालेखापाल, (लेखा व अनुज्ञेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
१८. महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
१९. अधिदान व लेखाधिकारी, मुंबई

पृष्ठ ४ पैकी ३

शासन शुद्धीकरण क्रमांक: रोकादि-१३१४/प्र.अ.४८/तेरा-२

- २० जिल्हा कोषागार अधिकारी (सर्वा)
- २१ उपसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
- २२ सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
- २३ प्रधान सचिव (सा.आ.) यांचे स्विय सहायक
- २४ सहसचिव/उपसचिव/अवर सचिव/कस अधिकारी, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई
- २५ निवड नस्ती-तेरा-२

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सार्वजनिक आरोग्य विभागातील आरोग्य सेवा
संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य
सेवा, गट-अ व राज्य कामगार विमा योजनेतील
महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील
वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वरून ६०
वर्षांपर्यंत वाढविणेबाबत....

महाराष्ट्र शासन
सार्वजनिक आरोग्य विभाग
शासन निर्णय क्रमांक: सेवानि-१५१८/प्र.क्र.१६८/सेवा-२
गोकुळदास तेलंगल रुग्णालय संकुल इमारत, १० वा मजला
मंत्रालय, मुंबई-४०० ००१
दिनांक: २९ ऑगस्ट, २०१८

बाजू :-

- १) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांक: सेवानि-१८१५/प्र.क्र.१६८/सेवा-२, दि. ०३.०९.२०१५
- २) सार्वजनिक आरोग्य विभाग, शासन पत्र क्र. सेवानि-१५१८/प्र.क्र.१६८/सेवा-२, दि. ३१.०५.२०१८
- ३) सार्वजनिक आरोग्य विभाग, शासन पत्र क्र. सेवानि-१५१८/प्र.क्र.१६८/सेवा-२, दि. ३०.०६.२०१८
- ४) मंत्रीमंडळाचे सचिव यांचे दि. ३१.०७.२०१८ चे पृष्ठांकन
(मंत्रीमंडळ बैठक दि. १९.०७.२०१८ विषय क्रमांक १ कार्यवृत्त)

प्रस्तावना :-

राज्याच्या सार्वजनिक आरोग्य विभागाकडून सामान्य रुग्णालये, उपजिल्हा रुग्णालये, प्राथमिक रुग्णालये राज्य कामगार विमा रुग्णालये यामधून रुग्णांना आरोग्य सुविधा पुरविण्यात येतात. तथापि, सदर रुग्णालयातील वैद्यकीय अधिकारी व वरीष्ठ अधिकाऱ्यांच्या कमतरतेमुळे रुग्णांना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडथळी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषज्ञ पदांसाठी प्रयत्न करून देखील पुरेसा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत नाहीत या उपलब्ध झाल्यासही पसंतीच्या ठिकाणी पदस्थापना न मिळाल्यास सेवेत रुजू न होण्याचे प्रमाण मोठे आहे. परिणामी आरोग्य सेवेतील पदे मोठ्या प्रमाणात रिक्त राहते असेून त्याचा राज्यातील रुग्णसेवेवर विपरीत परिणाम होत आहे. ही बाब विचारात घेऊन दिनांक ०३.०९.२०१५ च्या शासन निर्णयान्वये राज्यातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व (वेतनवर्ग र. १५६००-३११०० ग्रेड पे र. ५४०० व त्यावरील सर्व) कार्यरत अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षांपर्यंत वाढविण्याचा निर्णय शासनाने घेतला होता. तसेच सदर निर्णय हा दि. ३१.५.२०१५ पासून पूर्विलखी प्रभावाने तीन वर्षांसाठी लागू करण्यात आला होता. तथापि, आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील अधिकारी मोठ्या प्रमाणात सेवानिवृत्त होत असल्याने त्याचा वैद्यकीय सेवेवर परिणाम होऊ नये म्हणून दि. ३१.०५.२०१८, दि. ३०.०६.२०१८ व दि. ३१.०७.२०१८ रोजी आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील अधिकाऱ्यांनी जरी बघावी ५८ वर्ष पूर्ण केली असली तरी ज्यांचे वय ६० वर्षांपेक्षा कमी आहे अशा अधिकाऱ्यांना सेवानिवृत्त न करता त्यांच्याबाबतीत मंत्रीमंडळासमोर सेवानिवृत्तीचे वय वाढीचा प्रस्ताव सादर करण्याच्या अटीच्या अधीन राहून त्यांच्या बघावी ६० वर्ष पूर्ण होईपर्यंत शासन सेवेत ठेवण्याबाबत निर्णय घेण्यात आला आहे. ही बाब विचारात घेऊन आरोग्य सेवा

शासन निर्णय क्रमांक शासनि-१५१८/प्र.क्र.१६८/सेवा-२

संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकाऱ्यांचे तसेच राज्य कायदे विना योजनेमधील गट-अ मधील वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वरून ६० वर्षांपर्यंत वाढविण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

सार्वजनिक आरोग्य विभागातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३११०० ग्रेड पे रु. ५४००) व जिल्हा शल्यचिकित्सक, जिल्हा आरोग्य अधिकारी व विशेषतः संवर्ग (वेतनबँड रु. १५६००-३११०० ग्रेड पे रु. ६६००) मधील पदे व वरिष्ठ पदे (वेतनबँड रु. १५६००-३११०० ग्रेड पे रु. ६६०० वरील) व राज्य कामगार विभागातील महाराष्ट्र वैद्यकीय विभागा सेवा, गट-अ (वेतनबँड रु. १५६००-३११०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वर्षांवरून ६० वर्षांपर्यंत वाढविण्याचा शासनाने निर्णय घेतला आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्विल्ल्या प्रभावाने पाच वर्षांसाठी (दि. ३१.५.२०२३ पर्यंत) लागू राहील. मात्र वेतनबँड रु. १५६००-३११०० ग्रेड वेतन रु. ५४०० व त्याहून अधिक ग्रेड वेतन घेणाऱ्या आरोग्य सेवा संचालनालय व राज्य कामगार-विभागातील वैद्यकीय अधिकारी (गट-अ) व वरिष्ठ पदावरील अधिकारी वगळता अन्य अधिकाऱ्यांना हा शासन निर्णय लागू राहणार नाही.

३. महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम १० मध्ये यथावकाश सुधारणा करण्यात येईल.

४. सदर शासन निर्णय वित्त विभागाच्या अर्नापचारिक संदर्भ क्र. १८०/१८/सेवा-४, दि. २७.०८.२०१८ अन्वये प्राप्त झालेल्या सहमतीने निर्गमित करण्यात येत आहे.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०८२८१३१०४३५८१७ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Vishnudas
Pundlikrao
Ghodke

Digitally signed by Vishnudas Pundlikrao
Ghodke
DN: cn=Government Of Maharashtra,
ou=Public Health Department,
postalCode=400012, st=Maharashtra,
2.5.4.18-374235465a71c59859a36a518
935687195d53966bb8149814014b58a21e,
cn=Vishnudas Pundlikrao Ghodke
Date: 2018.08.23 11:27:57 +0530

(वि. पुं. घोडके)

अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव
२. मा. मुख्य सचिव महाराष्ट्र राज्य
३. मा. मुख्यमंत्री यांचे प्रधान सचिव

शासन निर्णय क्रमांक:सेवानि-१५१८/प्र.अ.१६८/सेवा-२

४. मा. मंत्री (आरोग्य/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सचिव
५. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई
६. आयुक्त, राज्य कामगार विमा योजना, मुंबई
७. मुख्य कार्यकारी अधिकारी, महात्मा फुले जीवनदायी आरोग्य योजना, मुंबई
८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
९. जिल्हाधिकारी (सर्व)
१०. मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)
११. संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई
१२. अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
१३. सह संचालक, आरोग्य सेवा (सर्व)
१४. उपसंचालक, आरोग्य सेवा (सर्व)
१५. जिल्हा शल्यचिकित्सक (सर्व)
१६. जिल्हा आरोग्य अधिकारी (सर्व)
१७. महालेखापाल, (लेखा व अनुज्ञेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
१८. महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
१९. अधिदान ब लेखाधिकारी, मुंबई
२०. जिल्हा कोषागार अधिकारी (सर्व)
२१. उपसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
२२. सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
२३. प्रधान सचिव (सा.आ.) यांचे स्वीय सहायक
२४. सहसचिव/उपसचिव/अवर सचिव/कक्ष अधिकारी, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई
२५. निवड नस्ती-सेवा-२

वैद्यकीय शिक्षण व संशोधन संचालनालयातील आणि आयुर्वेद संचालनालयातील संचालक, सह संचालक तसेच शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अधिष्ठाता, प्राध्यापक, सहयोगी प्राध्यापक, सहायक प्राध्यापक यांचे नियतवयोमान सेवानिवृत्तीचे वय वाढविण्याबाबत.

महाराष्ट्र शासन
वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग
शासन निर्णय सेवानि-२११५/प्र.क्र.८१/१५/वैसेवा-१
दिनांक: ०५.०३.२०१५

- १) शासन निर्णय क्रमांक: सेवानि-२११५/प्र.क्र.३०/१०/वैसेवा-१, दि.३० एप्रिल, २०१०.
- २) शासन निर्णय क्रमांक: सेवानि-२११५/प्र.क्र.३०/१०/वैसेवा-१, दि.१३ जून, २०१०.
- ३) शासन निर्णय क्रमांक: सेवानि-२११५/प्र.क्र.३०/१०/वैसेवा-१, दि.२९ एप्रिल, २०१४.
- ४) शासन निर्णय क्रमांक: सेवानि-२११५/प्र.क्र.८१/१५/वैसेवा-१, दि.२४ जुलै, २०१४.

गस्तावना:-

राज्यात एकूण १४ शासकीय वैद्यकीय महाविद्यालये, ३ शासकीय दंत महाविद्यालये आणि ४ शासकीय आयुर्वेद महाविद्यालये आहेत. महाराष्ट्र लोकसेवा आयोग आणि आस्थापना मंडळांमार्फत अध्यापकांची पदे भरण्यासाठी काही कालावधी लागणे अपरिहार्य असते. तसेच अतिविशेषाचार विषय व काही आरक्षित प्रवर्गात प्रयत्न करून देखील उमेदवार उपलब्ध होत नाहीत. शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापकीय पदे ही शैक्षणिक पदे असल्यामुळे ती रिक्त ठेवल्यास विद्यार्थीहित व रुग्णसेवा यावर प्रतिकूल परिणाम होतो. ही बाब विचारात घेऊन दिनांक ३०.०४.२०१० च्या शासन निर्णयान्वये वैद्यकीय शिक्षण व संशोधन संचालनालयातील आणि आयुर्वेद संचालनालयातील संचालक, सह संचालक तसेच शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांचे नियतवयोमान सेवानिवृत्तीचे वय ५८ वर्षावरून ६२ वर्ष करण्यात आले.

भारतीय आयुर्विज्ञान अधिनियम १९५६ मध्ये वैद्यकीय अध्यापकांची वयोमर्यादा ६५ वरून ७० करण्याची तरतूद करण्यात आली आहे. सन २०१४ व २०१५ मध्ये बरेच प्राध्यापक व सहयोगी प्राध्यापक सेवानिवृत्त होणार असल्यामुळे एम.बी.बी.एस. व पदव्युत्तर अभ्यासक्रमांच्या जागा व्यापृत होण्याची शक्यता होती. तसेच भारतीय आयुर्विज्ञान परिषदेने वेळोवेळी केलेल्या निरीक्षणांमध्ये काही महाविद्यालयांमध्ये कुटी आढळून आल्याने त्या ठिकाणांच्या विद्यार्थ्यांच्या जागा रद्द करण्याबाबत

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परिषदेने शिफारस केली होती. ही बाब विचारात घेऊन शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापकांचे (सहायक प्राध्यापक/सहयोगी प्राध्यापक/ प्राध्यापक) नियतव्योमान सेवानिवृत्तीचे वय ६२ वर्षावरून ६३ वर्ष करण्याचा शासनाने दिनांक २८.०७.२०१४ रोजी निर्णय घेतलेला आहे.

विद्यार्थी संख्या संरक्षित करण्यासाठी भारतीय आयुर्विज्ञान परिषदेच्या मानकांप्रमाणे सर्वच महाविद्यालयात अध्यापकांची पुरेशी पदे मंजूर आहेत. तथापि, जुलै २०१५ ते डिसेंबर २०१६ पर्यंत २९ प्राध्यापक व १७ सहयोगी प्राध्यापक सेवानिवृत्त होणार असल्याने कमतरता निर्माण होणार आहे. त्यामुळे नियत वयोमानानुसार सेवानिवृत्त होणाऱ्या अध्यापकांची वयोमर्यादा वाढविल्यामुळे सदर अध्यापक अध्यापनास उपलब्ध होतील. अधिष्ठाता, सहसंचालक, संचालक यांच्या सेवानिवृत्ती वयोमर्यादा वाढ न केल्यास निम्न संवर्गातील दोन वर्षांच्या वाढीचे कालावधीचा विचार करून त्या पदावर पदोन्नती घेण्यासाठी निम्न संवर्गातील उमेदवार नकार देतील. पर्यायाने वरिष्ठ संवर्गातील पदे भरण्यास अडचणी निर्माण होतील. या पारवर्तुषीवर शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापक, अधिष्ठाता, सहसंचालक व संचालक यांचे सेवानिवृत्तीचे वय वाढविण्याचा बाब शासनाच्या विचाराधीन होती.

शासन निर्णय:-

वैद्यकीय शिक्षण व संशोधन संचालनालयातील आणि आयुर्वेद संचालनालयातील संचालक, सह संचालक तसेच शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अधिष्ठाता यांचे नियतव्योमान सेवानिवृत्तीचे वय ६२ वर्षावरून ६४ वर्ष करण्याचा व शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापकांचे (सहायक प्राध्यापक/सहयोगी प्राध्यापक/ प्राध्यापक) नियतव्योमान सेवानिवृत्तीचे वय ६३ वर्षावरून ६४ वर्ष करण्याचा शासनाने निर्णय घेतला आहे.

२. शासकीय वैद्यकीय महाविद्यालयातील वैद्यकीय अहता धारकांच्या कमतरतेच्या पारवर्तुषीवर नियतव्योमान सेवानिवृत्तीचे वय वाढविण्याचा निर्णय घेण्यात आलेला आहे. त्यामुळे शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील वैद्यकीय अहता धारक अध्यापकांव्यतिरिक्त इतर अध्यापकांना म्हणजेच फिजिकल इस्ट्रक्टर वा तत्सम अध्यापकांना हा शासन निर्णय लागू होणार नाही. असे अध्यापक वयाची ५८ वर्ष पूर्ण झाल्यानंतर नियतव्योमानानुसार सेवानिवृत्त होतील.

३. भारतीय आयुर्विज्ञान परिषदेच्या मानकांनुसार शरीररचनाशास्त्र, शरीरक्रियाशास्त्र, औषधशास्त्र व सूक्ष्मजीवशास्त्र या विषयांतील M.Sc/Ph.D. ही अवैद्यकीय शैक्षणिक अहता धारण करणाऱ्या उमेदवारांना ३०% पर्यंतच्या मर्यादित व जीवरसायनशास्त्र या

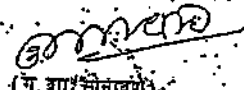
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विषयात M.Sc/Ph.D. ही अवैद्यकीय शैक्षणिक अर्हता धारण करणाऱ्या उमेदवारांना ५०% पर्यंतच्या मर्यादित अध्यापकीय पदांवर नियुक्ती दिल्या जातील. सदर विषयातील अध्यापकांना हा शासन निर्णय लागू होईल.

४. सदर आदेशाची अंमलबजावणी आदेशाच्या दिनांकापासून करण्यात येईल.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.mahacasa.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१५०३९६१३२००९८११३ असा आहे. हा आदेश डिजिटल साक्षीकृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



(म. शा/सौभाग्य)

उप-सचिव, महाराष्ट्र शासन

प्रत:

संचालक, वैद्यकीय शिक्षण व संशोधन, मुंबई.

संचालक, आयुर्वेद संचालनालय, मुंबई.

अधिष्ठाता, सर्व शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालये, महाराष्ट्र राज्य, (महोलेखापाल), १/२-लेखा परीक्षा, (लेखा व अनुज्ञेयता/महाराष्ट्र राज्य, मुंबई/नागपूर,

अधिदान व लेखा अधिकारी, मुंबई,

निवासी लेखा अधिकारी, मुंबई,

सर्व जिल्ह्यांचे जिल्हा कोषागार अधिकारी.

मा. मुख्यमंत्र्यांचे खाजगी सचिव, मंत्रालय, मुंबई.

मा. मंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव, मंत्रालय, मुंबई.

मा. अप्पर मुख्य सचिव, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, यांचे स्वीय सहायक.

वित्त विभाग, (सेल-४) मंत्रालय, मुंबई.

सामान्य प्रशासन विभाग, (कार्यासन-१३) मंत्रालय, मुंबई.

सर्व उप-सचिव/अवर सचिव/रक्ष अधिकारी, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.

निवडनस्ती. (वैसेवन-१)

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वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत, आयुर्वेद महाविद्यालयातील अधिकाता व अध्यापकांच्या नियतव्योमान सेवानिवृत्तीचे बंध वाढविण्याबाबत...

महाराष्ट्र शासन
वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग
शासन पुरकपत्र क्रमांक सेवानि २११०/प्र.क्र. ३०/१०/वैसेवा-१

मंत्रालय, मुंबई - ४०० ०३२

दिनांक : २९ एप्रिल, २०१४

वाचा -

- १) शासन निर्णय, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्रमांक सेवानि-२११०/प्र.क्र. ३०/१०/वैसेवा-१, दिनांक ३० एप्रिल, २०१०.
- २) शासन पुरकपत्र, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्रमांक सेवानि- २११०/प्र.क्र. ३०/१०/वैसेवा-१, दिनांक १७ जून, २०१०.

प्रस्तावना -

वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत, आयुर्वेद महाविद्यालयातील अधिकाता व अध्यापकांच्या नियतव्योमान सेवानिवृत्तीचे वय ५८ वर्षे वरून ६२ वर्षे करण्याचा शासन निर्णय दिनांक ३० एप्रिल, २०१० रोजी निर्गमित करण्यात आलेला आहे.

शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील वैद्यकीय अर्हताधारक अध्यापकांव्यतिरिक्त इतर अध्यापकांना म्हणजेच भारतीय आयुर्विज्ञान परिषदेच्या मानकांनुसार, शरीररचनाशास्त्र, शरीरक्रियाशास्त्र, औषधशास्त्र, सुक्ष्मजीवशास्त्र व जीवरसायनशास्त्र या विषयांतील M.Sc., Ph.D. ही अवैद्यकीय शैक्षणिक अर्हता धारण करणा-या अध्यापकांना दिनांक ३० एप्रिल, २०३० च्या शासन निर्णयातील तरतुदी लागू आहेत किंवा कसे, याची विचारणा होत असल्यामुळे त्यावर स्वयंस्पष्ट स्पष्टीकरण देण्याची बाब शासनाच्या विचाराधीन होती.

शासन पुरकपत्र -

भारतीय आयुर्विज्ञान परिषदेच्या मानकांनुसार शरीररचनाशास्त्र, शरीरक्रियाशास्त्र, औषधशास्त्र, सुक्ष्मजीवशास्त्र, या विषयांतील M.Sc., Ph.D. ही अवैद्यकीय शैक्षणिक अर्हता धारण करणा-या उमेदवारांना ३०% पर्यंतच्या मर्यादेत व जीवरसायनशास्त्र या विषयात M.Sc., Ph.D. ही अवैद्यकीय शैक्षणिक अर्हता धारण करणा-या उमेदवारांना ५०% पर्यंतच्या मर्यादेत अध्यापकीय पदांवर नियुक्त्या दिल्या जातात. त्यामुळे दिनांक ३० एप्रिल, २०१० च्या शासन निर्णयातील तरतुदी या विषयातील अध्यापकांना देखिल लागू होतील.

शासन पुरकपत्र क्रमांक लेवानि २११०/ प्र.अ. ३०/१०/ वैसेवा-१

सदन शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१४०४२९११२५३०२८१३ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

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ou=Medical Education And Drugs,
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(ग.शा. सोनावणे)

उप सचिव, महाराष्ट्र शासन

प्रत,

१. संचालक, वैद्यकीय शिक्षण व संशोधन, मुंबई
२. संचालक, आयुर्वेद संचालनालय, मुंबई
३. अधिकाता, सर्व शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालये.
४. महालेखापाल - १/२, (लेखा परिक्षा / लेखा व अनुज्ञेयता) महाराष्ट्र राज्य, मुंबई / नागपूर.
५. अधिदान व लेखा अधिकारी / निवासी लेखा अधिकारी, मुंबई
६. सर्व जिल्हा कोषागार अधिकारी
७. मा.मुख्यमंत्री महोदयांचे खाजगी सचिव, मंत्रालय, मुंबई - ४०० ०३२
८. मा.मंत्री (वैद्यकीय शिक्षण), मा. राज्यमंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव,
९. मंत्रालय, मुंबई - ४०० ०३२
१०. वित्त विभाग, मंत्रालय, मुंबई - ४०० ०३२
११. सामान्य प्रशासन विभाग, मंत्रालय, मुंबई - ४०० ०३२
१२. सर्व उपसचिव, अवर सचिव, कक्ष अधिकारी, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.
१३. निवडनस्ती (वैसेवा-१)

पृष्ठ २ पैकी २

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वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत, आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियत वयोमान सेवानिवृत्तीचे वय वाढविण्याबाबत....

महाराष्ट्र शासन

वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग

शासन पुरकपत्र क्रमांक : सेवानि २११०/प्र.ऊ.३०/१०/वैसेवा-१

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक :- १७ जून, २०१०.

वाचा : शासन निर्णय सेवानि २११०/प्र.ऊ.३०/१०/वैसेवा-१,

दिनांक ३० एप्रिल, २०१०.

शासन पुरकपत्र :-

वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत आणि आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियत वयोमान सेवानिवृत्तीचे वय ५८ वरून ६२ करण्याचा निर्णय घेऊन तसे आदेश दिनांक ३० एप्रिल, २०१० रोजी निर्गमित करण्यात आलेले आहेत. संचालक, अधिष्ठाता, प्राध्यापक, सहाय्यी प्राध्यापक व अधिव्याख्याता हे वैद्यकीय अर्हताधारक आहेत. शासकीय वैद्यकीय महाविद्यालयातील वैद्यकीय अर्हता धारकांच्या कमतरतेच्या पार्श्वभूमीवर नियतवयोमान सेवानिवृत्तीचे वय वाढविण्याचा निर्णय घेण्यात आलेला आहे. त्यामुळे शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील वैद्यकीय अर्हता धारक अध्यापकांव्यतिरिक्त इतर अध्यापकांना म्हणजेच फिजिकल इन्स्ट्रक्टर वा तत्सम अध्यापकांना दिनांक ३० एप्रिल, २०१० च्या शासन निर्णयातील सेवानिवृत्तीच्या वयोमानात वाढ केल्याची तस्तुद लागू होणार नाही. असे अध्यापक वयाची ५८ वर्षे पूर्ण झाल्यानंतर नियत वयोमानानुसार सेवानिवृत्त होतील.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संगणक संकेत स्थळावर उपलब्ध असून त्याचा संगणक संकेतक्रमांक 20100617193121001 हा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(वि.कि.आल्हाट)

उप सचिव, महाराष्ट्र शासन

प्रति,

संचालक, वैद्यकीय शिक्षण व संशोधन, मुंबई.

Yai-1-Rstd-agg/1

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अधिष्ठाता, सर्व शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालये
महालेखापाल-१/२, (लेखा परीक्षा / लेखा व अनुज्ञेयता) महाराष्ट्र राज्य, मुंबई / नागपूर.
अधिदान व लेखा अधिकारी, मुंबई.
निवासी लेखा अधिकारी, मुंबई.
सर्व जिल्ह्यांचे जिल्हा कोषाधिकारी.
भा. मुख्यमंत्र्यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.
भा. मंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.
भा. राज्यमंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.
वित्त विभाग, मंत्रालय, मुंबई ४०० ०३२.
सामान्य प्रशासन विभाग, मंत्रालय, मुंबई ४०० ०३२.
सर्व उपसचिव, अवर सचिव, कक्ष अधिकारी, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.
निवडनस्ती (वैतेवा-१).

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वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत, आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियतवयोमान सेवानिवृत्तीचे बय वाढविण्याबाबत..

महाराष्ट्र शासन
वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग
शासन निर्णय क्रमांक : सेवानि २११०/प्र.क्र.३०/१०/सेवा - १
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक :- ३० एप्रिल, २०१०.

प्रस्तावना :-

राज्यात एकूण १४ शासकीय वैद्यकीय महाविद्यालये, ३ शासकीय दंत महाविद्यालये आणि ४ शासकीय आयुर्वेद महाविद्यालये आहेत. महाराष्ट्र लोकसेवा आयोग आणि आस्थापना मंडळामार्फत पदे भरण्यासाठी काही कालावधी लागणे अपरिहार्य असते. तसेच अतिविशेषोपचार विषय व काही आरक्षित प्रवर्गावर प्रयत्न करून देखील उमेदवार उपलब्ध होत नाहीत. शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापकीय पदे ही शैक्षणिक पदे असल्यामुळे ती रिक्त ठेवल्यास विद्यार्थीहित व रुग्णसेवा सादर प्रतिकूल परिणाम होती.

भारतीय चिकित्सा केंद्रीय परिषदेने, भारतीय आयुर्विज्ञान परिषदेने तसेच केंद्र शासनाने राज्य शासनाच्या शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अध्यापक संदर्भातील अधिकाऱ्यांचे नियतवयोमान सेवानिवृत्तीचे बय वाढविण्याचे सूचित केले आहे. तदनुसार वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियतवयोमान सेवानिवृत्तीचे बयोमर्यादित वाढ करण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

वैद्यकीय शिक्षण व संशोधन संचालनालय आणि आयुर्वेद संचालनालयातील संचालक, सहसंचालक तसेच शासकीय वैद्यकीय, दंत आणि आयुर्वेद महाविद्यालयातील अधिष्ठाता व अध्यापकांच्या नियतवयोमान सेवानिवृत्तीचे बय ५८ वर्षावरून ६२ वर्ष करण्याचा निर्णय शासनाने घेतला आहे.

२. सदर आदेश वित्त विभागाने अनौपचारिक संदर्भ क्रमांक ८८/१०/सेवा:४, दिनांक ३०.४.२०१० अन्वये दिलेल्या सहमतीनुसार निर्गमित करण्यात येत आहेत.

Retd-agn-pur/1

३. सदर आदेशाची अंमलबजावणी आदेशाच्या दिनांकापासून करण्यात येईल.

४. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संगणक संकेत स्थळावर उपलब्ध असून त्याचा संगणक संकेतांक २०१००४३०१७३३३०००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(वि.कि.आल्हाट)

उप सचिव, महाराष्ट्र शासन

प्रति,

संचालक, वैद्यकीय शिक्षण व संशोधन, मुंबई.

संचालक, आयुर्वेद संचालनालय, मुंबई.

अधिष्ठाता, सर्व शासकीय वैद्यकीय, दंत व आयुर्वेद महाविद्यालये, महाराष्ट्र राज्य.

महालेखापाल-१/२, (लेखा परीक्षा / लेखा व अनुज्ञेयता) महाराष्ट्र राज्य, मुंबई / नागपूर.

अभिदान व लेखा अधिकारी, मुंबई.

निवासी लेखा अधिकारी, मुंबई.

सर्व जिल्ह्यांचे जिल्हा कोषाधिकारी.

मा.मुख्यमंत्र्यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.

मा.उपमुख्यमंत्र्यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.

मा.मंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.

मा.राज्यमंत्री (वैद्यकीय शिक्षण) यांचे खाजगी सचिव, मंत्रालय, मुंबई ४०० ०३२.

वित्त विभाग, मंत्रालय, मुंबई ४०० ०३२.

सामान्य प्रशासन विभाग, मंत्रालय, मुंबई ४०० ०३२.

सर्व सहसचिव, उपसचिव, अवर सचिव, कक्ष अधिकारी, वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग, मंत्रालय, मुंबई.

निवडनस्ती (द्वैतेवा-१).

२३	डॉ. (श्रीमती) उज्ज्वला हलाकर भाते	31/05/2023	एम.एस (जनरल सर्व्ज)		
२४	डॉ. शरदासिंग गुलाबसिंग परदेकी	31/05/2023	एम.एस (एमएडी)		
२५	डॉ. गणेश विष्णुसंत सेवले	31/05/2023	एम.डी (मेडीसिन)		
२६	डॉ. गणेशराव मकाराम राजोडे	31/05/2023	एम.डी (पीएसएम)		
२७	डॉ. सुनिता सुभाकर वडे	31/05/2023	एम.एस (जनरल सर्व्ज)		
२८	डॉ. (श्रीमती) अरिता राजेश भाभी	31/05/2023	एम.डी (अनैस्पेशिअ)		
२९	डॉ. बाळकृष्ण सोपान कांबळे	31/05/2023	एम.डी (पीएसएम)		
३०	डॉ. विजय मधुजी डेकाटे	31/05/2023	एम.डी (पीएसएम)		
३१	डॉ. (श्रीमती) सीया कसंतराव बिचोलीकर	31/05/2023	एम.डी (गानर्नॉकॉलॉजीस्ट)		
३२	डॉ. राहुल प्रभाकर बाघारे	31/05/2023	एम.डी (गानर्नॉकॉलॉजीस्ट)		
३३	डॉ. राजेश रामप्रज सोमिरे	31/05/2023	एम.एस (आर्गोपेडीक सर्व्ज)		
३४	डॉ. सुखराज नारायण भाव	31/05/2023	एम.डी (रेडिआटीव्ह)		
३५	डॉ. सुनिल मोहनराव जावळे	31/05/2023	एम.डी (फोरेन्सिक)		
३६	डॉ. क्वंटी गंगाधर डगे	31/05/2023	एम.एस (जनरल सर्व्ज)		
३७	डॉ. सुनिता आलाराम दराडे	31/05/2023	एम.डी (अनैस्पेशिअ)		
३८	डॉ. शुभाष मासोतराव मोरसाळे	31/05/2023	एम.एस (आर्गोपेडीक सर्व्ज)		
३९	डॉ. मकरंद सोडुरंग भाटील	31/05/2023	एम.डी (अनैस्पेशिअ)		
४०	डॉ. मोहाल बासुदेव भाल	31/05/2023	एम.एस (जनरल सर्व्ज)		
४१	डॉ. राजेश संदीपान मोरे	31/05/2023	एम.एस (एमएडी)		
४२	डॉ. झलीवास बाबासाहेब मोरती	31/05/2023	एम.एस (जनरल सर्व्ज)		
४३	डॉ. सुपेकीत रामराव सोणीकर	31/05/2023	एम.एस (एमएडी)		
४४	डॉ. दत्तात्रय विठ्ठलराव पवार	31/05/2023	एम.डी (मेडीसिन)		
४५	डॉ. संदीपिनी काकिण बर्वे	31/05/2023	एम.डी (गानर्नॉकॉलॉजीस्ट)		
४६	डॉ. महेंद्र बापूसाहेब कुंभोजकर	31/05/2023	एम.डी (अनैस्पेशिअ)		
४७	डॉ. मोलांना गुलाब जबाधर	31/05/2023	एम.डी (गानर्नॉकॉलॉजीस्ट)		
४८	डॉ. अश्विनी विठ्ठलराव पाटील	31/05/2023	एम.डी (गानर्नॉकॉलॉजीस्ट)		
४९	डॉ. अरुण विठ्ठलराव नातव	31/05/2023	एम.एस (एमएडी)		
५०	डॉ. संजय दिगंबर काटे	31/05/2023	एम.एस (जनरल सर्व्ज)		

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क्र.सं.	अधिकार्याचे नाव	वेतनावृत्तीचा दिनांक	शैक्षणिक अर्जाचा	सध्याचे कार्यरत ठिकाण	सो. नं.	धरा
७९	डॉ. सुनील गाडगीरराव सोनवणे	31/07/2023	एम.डी (मानवोन्मुखीकरण)			
७७	डॉ. राजेंद्र उल्हासराव धुमवडी	31/07/2023	एम.एस (जनरल सप्लाय)			
७८	डॉ. अणुद सुखवीराम जाधव	31/07/2023	एम.डी (मेडिकल)			
७९	डॉ. विक्रम एम. भाळगेकर	31/07/2023	डीप्लोमा इन आर्योपेडीक सर्जन			
८०	डॉ. (श्रीमती) अर्चना दिवेंद्र फडके (असेलकर)	31/07/2023	डीप्लोमा इन पब्लिक हेल्थ			
८१	डॉ. गोपी धर्मराज खडकर (राखेड)	30/09/2023	एम.एस (जनरल सप्लाय)			
८२	डॉ. राजेंद्र प्रभाकर कुलकर्णी	30/09/2023	एम.एस (जनरल सप्लाय)			
८३	डॉ. (श्रीमती) स्वाती प. माले	30/09/2023	डी. एम. (मेडिकल रेडीओलॉजी)	लि		
८४	डॉ. (श्रीमती) अपिक्ती अमल सराफ	31/10/2023	डीप्लोमा इन ट्युबरकुलोसिस अॅन्ड सेप्ट डिस्टीज			
८५	डॉ. प्रताप प्रतापराव घोडके	30/11/2023	डीप्लोमा इन आर्योपेडीक सर्जन			
८६	डॉ. तंजय सिताराम सोबडे	31/12/2023	एम.डी (नेडीटिन)			
८७	डॉ. आनंद वसुंधार कर्नाड	31/12/2023	एम.डी (रेडीओलॉजी)			
८८	डॉ. अणुद सुखवीराम जाधव	31/12/2023	एम.डी (अनेस्थेसिया)			
८९	डॉ. श्रीकांत गोविंद पदुरकर	31/12/2023	डीप्लोमा इन आर्योपेडीक सर्जन			
९०	डॉ. हर्षिकुमार रामदास बोरसे	31/01/2024	एम.एस (इएनटी)			
९१	डॉ. (श्रीमती) मधुरा किशोर जोनेकर	31/05/2024	एम.एस (अर्थोपेडिक्स)			
९२	डॉ. सुभाष दया शेंडे	31/05/2024	एम.डी (मेडिकल)			
९३	डॉ. अशोक गोपाळ नायकर	30/09/2024	एम.डी (अनेस्थेसिया)			

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अ.क्र.	अधिका-र्याने मान	वेतनावलीक दिवस	वैयक्तिक गहता	सध्याचे कार्यत ठिकाण	मो. नं.	धेरा
1	डॉ. मनोजकुमार बी. राजत	31-01-2023	डी. आयो			
2	डॉ. इतिरा एन. सोनवणे	31-01-2023	डी.जी.ओ.			
3	डॉ. मनोज बाबुराव मतसाडे	31-01-2023	एम.डी-धडसीएस			
4	डॉ. गोपाळा बी. तोजपुरे	31-01-2023	डी.सी.एस.			
5	डॉ. सुदाम गुळमीराम गेहने	31-01-2023	एम.डी. रेडीयो			
6	डॉ. दत्तात्रय बी. जोहरे	31-01-2023	एम.डी. स्वर्गीरोगतज्ञ			
7	डॉ. श्रीमती नंदना पी. कुम्बडे	31-01-2023	एम.बी.डी.एस.			
8	डॉ. सी. ए. सुराडे	31-01-2023	एम.बी.डी.एस.			
9	डॉ. मिलिंद सी. रणदिसे	28-02-2023	एम.बी.डी.एस.			
10	डॉ. देवत न्ही. लोबडे	28-02-2023	एम.बी.डी.एस.			
11	डॉ. श्रीमती जयश्री ए. चारपडे	28-02-2023	डी.जी.ओ.			
12	डॉ. जेष्ठ हतिल गणुपद अब्दुल सलाम	28-02-2023	एम.बी.डी.एस.			
13	डॉ. राजकुमार गुरुनाथ कामडे	31-03-2023	एम.बी.डी.एस.			
14	डॉ. विकासिनी ए. चव्हाण	31-03-2023	एम.बी.डी.एस.			
15	डॉ. एनीय प्रगु सोबळे	31-03-2023	एम.बी.डी.एस.			
16	डॉ. अतिताग ज्ञानेश्वर शिवधरण	31-03-2023	एम.बी.डी.एस.			
17	डॉ. राजेश्वर एम. मोरारसे	30-04-2023	डी.जी.ओ.			
18	डॉ. चंद्रकांत ए. सुराडे	30-04-2023	डी.सी.एस.			
19	डॉ. श्रीमती एस. आर. सोबळे	30-04-2023	एम.बी.डी.एस.			
20	डॉ. वी. डी. एम. भोसले	31-05-2023	बी.ए.एम.एस.			
21	डॉ. उदय राजेंद्रराव पाटील	31-05-2023	बी.ए.एम.एस.			
22	डॉ. श्रीम. डी. बी. कुलकर्णी	31-05-2023	बी.ए.एम.एस.			
23	डॉ. श्रीम. प्रदीप कमलकांत	31-05-2023	एम.डी. आयु.			
24	डॉ. डी. एस. जने	31-05-2023	बी.ए.एम.एस.			
25	डॉ. प्रदीपराव रागाभाऊ लुंगे	31-05-2023	बी.ए.एम.एस./एम.डी.			

अ.क्र.	अधिकार्याचे नाव	समाप्तीचा दिनांक	पैसाविक अर्जाचा	राध्याचे कार्यत ठिकाण	सो. नं.	पेरा
16	वैद्य. रमिंद्र भाऊराव दुर्गे	31-05-2023	बी.ए.एम.एस.			
17	वैद्य. एस. राव आरबाजीस	31-05-2023	बी.ए.एम.एस.			
18	वैद्य. पी. आर. डांगे	31-05-2023	बी.ए.एम.एस.			
19	वैद्य. एस. आर. पवार	31-05-2023	बी.ए.एम.एस.			
20	वैद्य. एस. एल. शेंगोकर	31-05-2023	बी.ए.एम.एस.			
21	वैद्य. एस. टी. शंभडे	31-05-2023	बी.ए.एम.एस.			
22	वैद्य. ए. व्ही. जोषा	31-05-2023	बी.ए.एम.एस.			
23	डॉ. श्रीमती अर्पिता शिवराम भावळे	31-05-2023	एम.बी.बी.एस.			
24	डॉ. चेतोचर डी. करणकर	31-05-2023	एम.बी.बी.एस.			
25	डॉ. स्वामिंदर एस. देवपांडे	31-05-2023	एम.बी.बी.एस.			
26	डॉ. अविनाश एस. देवपांडे	31-05-2023	एम.एस. जस			
27	डॉ. श्रीमती साधना व्ही. मोरे	31-05-2023	एम.बी.बी.एस.			
28	डॉ. निरीप जी जोशी	31-05-2023	एम.डी (मामके)			
29	डॉ. श्रीमती सुजाता जी. जोशी (मोसले)	31-05-2023	एम.बी.बी.एस.			
30	डॉ. राजीव टी. बक्षस	31-05-2023	डी.जी.ओ.			
31	डॉ. सदानंद एस. शंगळे	31-05-2023	एम.बी.बी.एस.			
32	डॉ. अनिल एस. कुडारे	31-05-2023	डी.जी.ओ.			
33	डॉ. सुरेश जी. पाटील	31-05-2023	डी.सी.एस.			
34	डॉ. सुनिल डी. जोते	31-05-2023	एम.बी.बी.एस.			
35	डॉ. जयवंत एस. खराळे	31-05-2023	डी.जी.ओ.			
36	डॉ. मदन के. खाडगे	31-05-2023	एम.बी.बी.एस.			
37	डॉ. निरुप जी. खाडगेकर	31-05-2023	एम.बी.बी.एस.			
38	डॉ. भोजराज शामराव भडके	31-05-2023	एम.बी.बी.एस.			
39	डॉ. श्रीमती सुरेखा एस. तोसल	31-05-2023	डी.जी.ओ.			
40	डॉ. प्रभाकर ए. धोंकर	31-05-2023	डी.ए.			
41	डॉ. एस. एस. चौगुले	31-05-2023	एम.बी.बी.एस.			

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क्र. सं.	शैक्षणिक/व्यवसायिक नाम	संलग्नता/दिनांक	शैक्षणिक/व्यवसायिक	समाप्ति/कार्य दिनांक	मार्ग	पैदा
52	डॉ. सुनिश के. के.के.	31-05-2023	एम.बी.बी.एस			
53	डॉ. जग. के. सोहनी	31-05-2023	एम.एफ.एम			
54	डॉ. प्रकाश एम. सागापुरे	31-05-2023	एम.बी.बी.एस			
55	डॉ. पुष्पाजीत एम. पातोकर	31-05-2023	डीसीएस			
56	डॉ. सुनिल एम. भादानी	31-05-2023	एम.बी.बी.एस			
57	डॉ. शरद एम. पाटील	31-05-2023	एम.बी.बी.एस			
58	डॉ. अनिल कृष्णाचार कृष्णा	31-05-2023	एम.बी.बी.एस			
59	डॉ. श्रीमती एस. ए. भट्टा	31-05-2023	डीसीएस			
60	डॉ. ए.एस. भादरे	31-05-2023	डीसीएस			
61	डॉ. एस.एस. चक्रवर्त	31-05-2023	एम.बी.बी.एस			
62	डॉ. एस.आर. के.रामलकर	31-05-2023	डीसीएस			
63	डॉ. आर्यादाय की. के.के.	31-05-2023	डीसीएस			
64	डॉ. शैवितादेव भादराया भाद	31-05-2023	एम.बी.बी.एस			
65	डॉ. गणेश एम. भासव	31-05-2023	एम.एस.एस			
66	डॉ. एस.पी. सोसा	31-05-2023	एम.बी.बी.एस			
67	डॉ. गोपाल पी. मोरे	31-05-2023	एम.डी.पी.एस			
68	डॉ. श्रीमती प्रविणा पी. कोरे	31-05-2023	एम.डी.एस			
69	डॉ. उज्ज्वल एस. भागुलकर	31-05-2023	एम.बी.बी.एस			
70	डॉ. अरवि के. शिंदे	31-05-2023	एम.एस.एस			
71	डॉ. संजय एस. मुंकर	31-05-2023	एम.बी.बी.एस			
72	डॉ. प्रकाश की. के.के.	31-05-2023	एम.बी.बी.एस			
73	डॉ. पी.पी. कोरेकर	31-05-2023	एम.बी.बी.एस			
74	डॉ. उज्ज्वल एस. बाव	31-05-2023	एम.बी.बी.एस			
75	डॉ. भाऊसाहेब एस. रंछे	31-05-2023	एम.बी.बी.एस			
76	डॉ. दगडु के. के.के.	31-05-2023	डीएस			
77	डॉ. शशिभाल ए. निरुके	31-05-2023	एम.बी.बी.एस			

अ. क्र.	अधिकार्याचे नाव	प्राप्तीलागू दिनांक	शैक्षणिक अर्हता	सध्याचे कार्यत ठिकाण	मो. नं.	शेरा
78.	डॉ. श्रीमती के. शिंदे	31-05-2023	एम.बी.बी.एस			
79.	डॉ. हेमंतकुमार श्री. पाटिल	31-05-2023	एम.बी.बी.एस			
80.	डॉ. राजेशी श्री. कोल्हे	31-05-2023	एम.बी.बी.एस			
81.	डॉ. अशोक ए. जोषी	31-05-2023	एमएस जस			
82.	डॉ. रविशकुमार श्री. शेटलवार	31-05-2023	डीसीएस			
83.	डॉ. श्रीमती रेखा. श्री. कुलकर्णी	31-05-2023	डीसीओ			
84.	डॉ. अनिल डब्ल्यू. वेगपुळ	31-05-2023	डीए			
85.	डॉ. दिवाकर एस. जावडे	31-05-2023	एम.बी.बी.एस (एम.ओ. व्हा)			
86.	डॉ. रामकृष्ण एस. मौळ	31-05-2023	डीसीओ			
87.	डॉ. अमरेश टी. दुर्गुलकर	31-05-2023	एमडी स्तत्ररींग			
88.	डॉ. संजय के. गायकवाड	31-05-2023	एम.बी.बी.एस			
89.	डॉ. जल्लपुमार सरदेसाई	31-05-2023	एमडी स्तत्ररींग			
90.	डॉ. रविंद्र बी. रोखडे	31-05-2023	डीसीएस			
91.	डॉ. सुदर्भा ए. पाटील	31-05-2023	एमडी पॅथो			
92.	डॉ. अमलकुमार श्री. सोनवणे	31-05-2023	एम.बी.बी.एस			
93.	डॉ. विलीपुमार श्री. जैन	31-05-2023	एम.बी.बी.एस			
94.	डॉ. अशोक एल. बनसोडे	31-05-2023	एम.बी.बी.एस			
95.	डॉ. संजय श्री. सिन्हा	31-05-2023	एम.बी.बी.एस			
96.	डॉ. श्रीमती संपुषा श्री. वासु	31-05-2023	एमडी स्तत्ररींग			
97.	डॉ. रविशकुमार टी. पुटळे	31-05-2023	एमडी बॉयस्किरण			
98.	डॉ. युनिता श्री. माळवे	31-05-2023	डीसीपी			
99.	डॉ. अशोक ए. मोहिते	31-05-2023	डीए			
100.	डॉ. विनाय श्री. भांगोडे	31-05-2023	एमडी पॅथो			
101.	डॉ. श्रीमती ए. एत. गायकवाड	31-05-2023	एम.बी.बी.एस			
102.	डॉ. नंदकुमार एस. भोळवे	31-05-2023	एम.बी.बी.एस			
103.	डॉ. बाबाद री. जाधव	31-05-2023	एम.बी.बी.एस			

क्र.सं.	अभिलाष्याचे नाव	नियमितपणे दिवस	वैयक्तिक अर्जाचा	सध्याचे कार्यरत ठिकाण	मो. नं.	गोप
104.	डॉ. शेजारास गंगाराम कापड	31-05-2023	डीसीएस			
105.	डॉ. गोपाळ दी. मारळकर	31-05-2023	डीसीएस			
106.	डॉ. हनुमानदास ए. भाटकी	31-05-2023	एम.बी.बी.एस			
107.	डॉ. श्रीमती सुरेखा बेगम	31-05-2023	एम.बी.बी.एस			
108.	डॉ. रविंद्र पी. भजणी	31-05-2023	एम.बी.बी.एस			
109.	डॉ. अर्जुन दी. गिरे	31-05-2023	डीएसआरडी			
110.	डॉ. अणुप दी. मित्तल	31-05-2023	एम.बी.बी.एस			
111.	डॉ. सुभाष जी तितरे	31-05-2023	एम.बी.बी.एस			
112.	डॉ. सुभाषी.बी. मोस्तकर	31-05-2023	एम.बी.बी.एस			
113.	डॉ. अनेकर भार मित्तल	31-05-2023	एम.बी.बी.एस			
114.	डॉ. रविंद्र दी. कुलकर्णी	31-05-2023	एमडी मेडीसीन			
115.	डॉ. दिनेश जी मिरासर	31-05-2023	एमडीबीएस / ऑपीएस			
116.	डॉ. मनोहर ए. बाकडे	31-05-2023	एम.बी.बी.एस			
117.	डॉ. सुरेश जी. लसावे	31-05-2023	एम.बी.बी.एस			
118.	डॉ. प्रमोद भार पोपलजी	31-05-2023	एम.बी.बी.एस			
119.	डॉ. श्रीधर सुबराव बाप	31-05-2023	डीए			
120.	डॉ. सुभाष पी. खोटे	31-05-2023	एम.बी.बी.एस			
121.	डॉ. राजेंद्र दी. कोटे	31-05-2023	एम.बी.बी.एस			
122.	डॉ. अरुण ए. पळ्हाण	31-05-2023	एम.बी.बी.एस			
123.	डॉ. विनायी जे. एवार	31-05-2023	एम.बी.बी.एस			
124.	डॉ. सुभाष एत. खोडवे	31-05-2023	एम.बी.बी.एस			
125.	डॉ. प्रविन एत. विभारिभा	31-05-2023	एम.बी.बी.एस			
126.	डॉ. अनिल बी. मोमने	31-05-2023	एम.बी.बी.एस			
127.	डॉ. अनिलकुमार बलरावजी साहु	31-05-2023	डीसीएस 10/04			
128.	डॉ. अविनाश प्रहरी बुणे	31-05-2023	एम.बी.बी.एस			
129.	डॉ. श्रीमती संजिव एत. मेहरा	31-05-2023	एमडी भायनजी			

अ.क्र.	व्यक्तिनामचे नाव	संविधानाचा दिनांक	शैक्षणिक उपासना	सद्य्याचे कार्यत दिवस	गो. नं.	पेरा
130	डॉ. मच्छिंद्रनाथ बी. भोटे	31-05-2023	एम.बी.बी.एस			
131	डॉ. कमी अक्षर मणबुल	31-05-2023	एम.बी.बी.एस			
132	डॉ. श्रीमती उज्वला एस.तेताळे	31-05-2023	डीबीओ			
133	डॉ. कुंदन के. गायकवाड	31-05-2023	डीओएमएस			
134	डॉ. संजीव श्री चिंचोलकर	31-05-2023	एम.बी.बी.एस			
135	डॉ. विरम श्री. शेळ	31-05-2023	एम.बी.बी.एस			
136	डॉ. दिगंबर एस. मेघाम	31-05-2023	एम.बी.बी.एस			
137	डॉ. अनिल शिवाजीराव कलठेकर	31-05-2023	एम.बी.बी.एस			
138	डॉ. जगदीश डी. मरील	31-05-2023	एम.बी.बी.एस			
139	डॉ. वाडुरंग रमणिक पाचरे	31-05-2023	डीओएमएस			
140	डॉ. माडुरंग श्री. भारमल	31-05-2023	एम.बी.बी.एस			
141	डॉ. शंकर केदार दळबकर	31-05-2023	एम.बी.बी.एस			
142	डॉ. दिपक प्रसन्नसिंह राणपुत	31-05-2023	एम.बी.बी.एस			
143	डॉ. सतिशकुमार सरोदे	31-05-2023	डीसीपी			
144	डॉ. विरवल सी. पवार	31-05-2023	एम.बी.बी.एस			
145	डॉ. नरेंद्रनाथ गार अस्वार	31-05-2023	डीओएमएस			
146	डॉ. पुष्पा वाडुराव रोळडे	31-05-2023	एम.बी.बी.एस			
147	डॉ. श्रीमती मालती जोगेश खाडे	31-05-2023	एम.बी.बी.एस			
148	डॉ. प्रभात बम्पणी बर्वे	31-05-2023	डीबीओ			
149	डॉ. मधुकर योगेशी तोडसाम	31-05-2023	एम.बी.बी.एस			
150	डॉ. श्रीमती कैलाश विठुराव भुजळे	31-05-2023	एम.बी.बी.एस			
151	डॉ. लक्ष्मण एकनाथ साठवरेण (डॉ. गायत्री विनाय नट्टेकर)	31-05-2023	एम.बी.बी.एस			
152	डॉ. कैलास म्हाजीराव आमकर	31-05-2023	एम.बी.बी.एस			
153	डॉ. शशोक नारायणराव खंदारे	31-05-2023	एम.बी.बी.एस/सीपीएस			
			डीपीएस			

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क्र.सं.	अभिधीन्यायी भाव	समाप्तिदिनांक दिनांक	सिद्धान्तिक बाह्यता	समाप्ती कार्यत दिनांक	मो. नं	पेरा
154	डॉ. विजय पंढरीनाथ सावंत	31-05-2023	एम.बी.बी.एस			
155	डॉ. रत्नात्म बापु मल्के	31-05-2023	एम.बी.बी.एस			
156	डॉ. लक्ष्मीकांत पंढरीनाथ राजत	31-05-2023	एम.बी.बी.एस/डीपीएच २०१५ (सीपीएस)			
157	डॉ. बाबु रसायन बाबुकरवार	31-05-2023	एम.बी.बी.एस			
158	डॉ. अण्णक चिंतामणी ससाणे	31-05-2023	एम.बी.बी.एस			
159	डॉ. रवींद्र चिंतामणी चौगुले	31-05-2023	एम.बी.बी.एस			
160	डॉ. बाबिनाथ विष्णूनाथ मलभागे	31-05-2023	एम.बी.बी.एस			
161	डॉ. दत्तात्रय राजाराम जाधव	31-05-2023	डी.प			
162	डॉ. रामकृष्ण संकरराव मोल	31-05-2023	बी.ए.एम.एस			
163	डॉ. लक्ष्मीकांत मा. लंडीत	31-05-2023	एम.बी.बी.एस (डिजीओ)			
164	डॉ. कृष्ण एस. जानबेडे	30-06-2023	डीएमआरडी			
165	डॉ. सुतजी एस. माने	30-06-2023	डीओएमएस			
166	डॉ. प्रल्हाद पी. गापकरवार	30-06-2023	एमडी बाधिरिकरण			
167	डॉ. चिंतारजन एस. क्रम	30-06-2023	एम.बी.बी.एस			
168	डॉ. हनुमंत डी. खोत	31-07-2023	डिजीओ			
169	डॉ. जषा सारोतीराव ससाणे	31-07-2023	डी.आयो			
170	डॉ. मुनिल भारतीराव सोनवणे	31-07-2023	एमडी पॅथो			
171	डॉ. विलीय एस. चौगुले	31-07-2023	एमडी स्तनीरोग			
172	डॉ. प्रभात एस. पाटील	31-07-2023	एम.बी.बी.एस			
173	डॉ. विमल एस. सोनवणे	31-07-2023	एमएस ऑनो			
174	डॉ. विकास प्रल्हाद मेघाम	31-07-2023	एम.बी.बी.एस			
175	डॉ. आर.बी. मुरमुरे	31-07-2023	एम.बी.बी.एस			
176	डॉ. मुनिल आर. राजेव	31-07-2023	बीएमएस (एमडी)			
177	डॉ. प्रभात व्ही. कुर्गे	31-08-2023	डीए			
178	डॉ. विजय के. पाटील	31-08-2023	डीसीएच			
			डीएमआरडी			

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अ. क्र.	अधिव्याप्त नाम	अवधि/वर्षावधि	वैधानिक शर्तता	संस्थापक संस्था	मो. नं.	विवरण
179	डॉ. शैलजा एम. कल्ले	31-08-2023	एम.बी.बी.एस			
180	डॉ. श्रीमती कन्या नरहरी पुजे (अपगत)	31-08-2023	एम.बी.बी.एस			
181	डॉ. नंदकुमार पी. शर्मा	31-08-2023	डीए			
182	डॉ. दिगंबर अण्णाबाबा चौधरी	31-08-2023	एम.बी.बी.एस			
183	डॉ. संजय एम. शर्मा	30-09-2023	एम.बी.बी.एस			
184	डॉ. अरुण अजित हनुमानदास गल्ल	30-09-2023	एम.बी.बी.एस			
185	डॉ. जयलता पी. बाहेली	30-09-2023	एम.बी.बी.एस			
186	डॉ. विष्णू के. शर्मा	31-10-2023	एम.बी.बी.एस			
187	डॉ. श्रीमती. राणी एच. खंडेलीकर	31-10-2023	एम.बी.बी.एस			
188	डॉ. श्रीमती. संगिता एन. शर्मा	31-10-2023	एम.बी.बी.एस			
189	डॉ. एम.जी. लोन्डे	31-10-2023	डीसीएच			
190	डॉ. श्रीमती संगिता एन. शर्मा	31-10-2023	एम.बी.बी.एस			
191	डॉ. संजय टी. शर्मा	31-10-2023	डीसीडी			
192	डॉ. सरोजनी एन. शर्मा	31-10-2023	एम.बी.बी.एस			
193	डॉ. सुनिल ए. शर्मा	31-10-2023	एम.बी.बी.एस			
194	डॉ. निरुपमा जी. शर्मा	30-11-2023	एम.बी.बी.एस			
195	डॉ. उदयकुमार सुखराजराव शर्मा	30-11-2023	एम.बी.बी.एस			
196	डॉ. प्रमोद पी. शर्मा	31-12-2023	एमएस जस			
197	डॉ. रमेशराव के. शर्मा	31-12-2023	एम.बी.बी.एस			
198	डॉ. निरुपमा जी. शर्मा	31-12-2023	एमएस जस			
199	डॉ. श्रीमती सीमा शर्मा	31-12-2023	डीओएमएस			
200	डॉ. विजय जी. शर्मा	31-12-2023	एम.बी.बी.एस			
201	डॉ. देविदास लक्ष्मण शर्मा	31-12-2023	एम.बी.बी.एस			
202	डॉ. महेश भास्करराव शर्मा	31-12-2023	एम.बी.बी.एस			

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दि. ०५.०४.२०२३,
आयुक्तालय, मुंबई

प्रती,
या. आयुक्त तथा अभियान संचालक राआअ,
सार्वजनिक आरोग्य विभाग आयुक्तालय, मुंबई

आयुक्त कक्ष, आरोग्य सेवा, मुंबई
दफत प्राप्त
दिनांक-15/04/2023
स्वाक्षरी- R.D.

विषय:- सार्वजनिक आरोग्य विभागातील सर्व डॉक्टरांचे (MBBS) व वरिष्ठ अधिकारी यांचे
सेवानिवृत्तीचे वय DMEN (वैद्यकीय शिक्षण, औषधी इत्ये व संशोधन विभागप्रमाणे) ६४ करणे
बाबत...

संदर्भ: १. शासन निर्णय सेवानि १८१५ प्र क्र २१६/सेवा २ दि. ०३.०९.२०१५

२. शासन निर्णय सेवानि १५१८ प्र क्र ८९/१५ वेसेवा १६८/सेवा २ दि. २९.०८.२०१८

३. शासन सुदीप क्र क्रमांक. सेवानि १३११/प्र क्र ४८/१५ सेवा २/दि. २६.११.२०१३

४. शासन निर्णय क्रमांक न्यायप्र ३०१८ सेवानि प्र क्र २५४/सेवा २ दि. ३१.०५.२०२१

५. शासन निर्णय क्रमांक सेवानि २११५/ प्र क्र ८९/१५ वेसेवा १ दि. ०५.०३.२०१५

महोदय,

उपरोक्त संदर्भ १ ते ४ प्रमाणे कोविड १९ मध्ये डॉक्टरांचे सेवा निवृत्तीचे वय टराविक कालावधी करिता
देकोवेळी वाढविण्यात आले होते. तत्कालीन परिस्थितीत जसे की डॉक्टरांचे रिक्त पदे असल्यामुळे सेवा निवृत्तीचे वय
५८ ते ६० वर्षे तसेच कोविड काळात ६० ते ६२ वर्षे पर्यंत वाढविण्यात आले होते. रूग्ण सेवेवर होणारा परिणाम
सांख्यिक आधाराचे वाढले प्रमाण असंख्यिक रूग्णांची वाढणारी संख्या ही परिस्थिती तशीच आहे यामुळे जनतेला
गुणवत्तापूर्ण आरोग्य सेवा मिळू शकत नाहीत.

सार्वजनिक आरोग्य विभागात वर्ग एक व वर्ग दोन च्या रिक्त पदांची संख्या मोठ्या प्रमाणात आहे व त्यात
२०२३ मध्ये अंदाजे सेवानिवृत्त होणाऱ्या वर्ग दोनचे ४०० व वर्ग १ चे १३५ अधिकारी यांची भर पडणार आहे. त्यामुळे
आरोग्य सेवांवर मोठ्या प्रमाणात परिणाम होणार आहे.

○ सध्या असंख्यिक (मधुमेह, हृदयरोग, कॅन्सर, लठ्ठपणा इ) आजाराचे प्रमाण मोठ्या प्रमाणात वाढत आहे.
त्याकरिता ज्येष्ठ व अनुभवी डॉक्टर शोधी निवांत गरज आहे.

○ आज अखेर आपल्या राज्यात नागरिकांचे सरासरी आयुर्मान ७५ पेक्षा जास्त आहे. यामुळे समाजात ज्येष्ठ
नागरिकांचे प्रमाण १५ टक्के पेक्षा अधिक आहे. त्यांच्या अस्वास्थ्य व आरोग्य विषयक समस्या आहे. याकरिता
देखील ज्येष्ठ अनुभवी डॉक्टरांची गरज आहे.

○ आपल्या राज्यात वैद्यकीय शिक्षण व औषधी इत्या विभागात कार्यरत डॉक्टरांचे सेवानिवृत्ती वय
दि. ०५/०३/२०१५ च्या शासन निर्णयानुसार निवृत्तीचे वय ६४ करण्यात आलेले आहे. संदर्भ शासन निर्णय

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काढताना उपस्थित केले गेलेले मुद्दे सर्व जसेच्या तसे आपल्या विभागास देखील लागू पडतात. दोन विभागातील डॉक्टरांचे सेवानिवृत्तीचे वय वेगळे असल्याने सार्वजनिक आरोग्य विभागात कार्यरत डॉक्टर (अधिकारी) यांना त्यांच्यावर अन्याय होत असल्याची भावना आहे.

- सार्वजनिक आरोग्य विभागात मोठ्या प्रमाणात पदे रिक्त असल्याने OMER प्रमाणे वय वाढविल्यास कोणत्याही प्रकारचा जास्तीचा आर्थिक भार शासनाच्या तिजोरीवर पडणार नाही.
- केंद्र शासनाच्या आरोग्य विभागात कार्यरत डॉक्टर यांचे सेवानिवृत्तीचे वय ६५ वर्षे आहे.
- NHM अंतर्गत केंद्रीय डॉक्टरांना द्याव्या सत्तर (७०) वर्षांपर्यंत सेवेत सार्वजनिक सेवेत सार्वजनिक सेवेत घेतले जाते.
- अनेक राज्यांनी देखील केंद्राप्रमाणे सेवा निवृत्तीचे वय ६५ वर्षे केले आहे. (उदा. राज्यस्थान, हरियाणा, पंजाब, कर्नाटक, तेलंगणा, आंध्रप्रदेश इत्यादी)
- तसेच आपल्या विभागामार्फत २०१५, २०१८, २०२१ मध्ये या शासन निर्णयानुसार सेवा निवृत्तीचे वय ६२ वर्षांपर्यंत वाढविले होते.
- शासन निर्णय सेवानिवृत्ती १५१८ म क्र ८९/१५ व सेवा १६८/सेवा २ दि. २१.०८.२०१८ दि. ३१.०५.२०२३ पर्यंत असल्याने आमच्यावर अन्याय झालेला आहे.
- वरील शासन निर्णयामुळे आमचे आर्थिक व मानसिक नुकसान झालेले आहे.

आज्ञादीच्या अमृत महोत्सव वर्षात देखील आपण १००% डॉक्टरांची १००% रिक्त पदे भरू शकलो नाहीत. तरी सर्वासाठी (एमबीबीएस डॉक्टर व वरिष्ठ अधिकारी) सेवा निवृत्तीचे वय वैद्यकीय शिक्षण, औषधी द्रव्ये व संगोपन विभागाप्रमाणे ६५ वर्षे करून सार्वजनिक आरोग्य विभागातील एमबीबीएस-डॉक्टर व वरिष्ठ अधिकारी तसेच जनतेवर होणारा अन्याय दूर करून आम्हाला न्याय द्यावा हि नम्र विनंती.

सोबत शासन निर्णय जोडले आहे.

आपले विश्वासू

(सार्वजनिक आरोग्य विभागात कार्यरत असलेले सर्व अधिकारी)

१. जिल्हा सार्वजनिक संबंध

२. जिल्हा आरोग्य अधिकारी सचिव

३. विशेष तज्ञ संबंध

४. वैद्यकीय अधिकारी संबंध

IN THE HIGH COURT OF JUDICATURE AT BOMBAYBENCH AT AURANGABADWRIT PETITION NO. 5402 OF 2018

1. Dr. Sanjay S/o Ramrao Kadam,
Age : 45 Years, Occ. Service as Taluka Health
Officer, Georai,
R/o 19, Navjeevan Shikshak Colony,
Beed, Tq. & Dist. Beed.
2. Dr. Vikas S/o Uttamrao Arhawale,
Age : 43 Years, Occu. Service as
Taluka Health Officer, Kaji,
Tq. Kaji, Dist. Beed.
3. Dr. Dnyaneshwar Shesherao Nipta,
Age : 43 Years, Occ. Service as Medical
Officer, District TB. Center,
Beed, Tq. & Dist. Beed.
4. Dr. Sanjeevani Chitambar Gavhane,
Age : 43 Years, Occ. Service as Medical
Officer, District Training Sangh,
Beed, Tq. & Dist. Beed.
5. Dr. Manisha Uttamrao Kale,
Age : 41 Years, Occ. Service as Medical
Officer, District TB.Center Beed,
Tq. & Dist. Beed.
6. Dr. Satish Bapurao Shinde,
Age : 44 Years, Occ. Service as Medical
Officer, District TB.Center Beed,
Tq. & Dist. Beed.
7. Dr. Mahadeo Vishwanath Chinchole,
Age : 53 Years, Occ. Service as
Medical Officer, District Hospital,
Beed, Tq. & Dist. Beed.

PETITIONERS

VERSUS

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1. The State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
Government of Maharashtra,
Mantralaya, Mumbai - 32.
2. The State of Maharashtra,
through its Secretary,
Public Health Department,
10th Floor, G.T. Hospital Compound,
Mantralaya, Mumbai.
3. The Commissioner of Health &
Mission Director, National Health Mission,
Maharashtra State Arogya Bhawan,
St. George Hospital Compound,
Near C.S.T. Mumbai
4. The Director of Health Services,
Arogya Bhawan, St. George Hospital,
Compound, Near CST, Mumbai.
5. The Under Secretary Public Health
Department, 10th Floor, G.T. Hospital
Compound, Mantralaya, Mumbai

: RESPONDENTS

Shri. Avinash S. Deshmukh, Advocate b/f Shri Sanjaykumar Bhosale, Advocate
for the petitioners.
Shri VM Kagne, A.G.P for the respondent nos. 1 to 5.
Shri A.R. Salve, intervenor in Civil Application No. 10287 of 2019.

CORAM : S.V.GANGAPURWALA AND
ANIL S. KILOR, JJ.

RESERVED ON : 16th OCTOBER, 2019

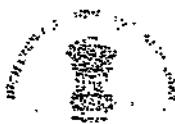
DATED : 20th MARCH, 2020.

JUDGMENT (Per Court : ANIL S. KILOR, J.)

Rule. Rule made returnable forthwith. Heard

finally by consent of learned counsel for the respective parties.

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2. The State of Maharashtra issued Government Resolutions dated 30th May, 2015, 30th June, 2015 and 3rd September, 2015, increasing the age of superannuation of the District Health Officers, Civil Surgeons and Superior Officers working in the Public Health Department, from 58 years to 60 years on the ground of non availability of medical officers and senior officers at General Hospitals, Sub District Hospitals and Rural Hospitals.

3. Petitioners who are the Medical officers and superior officers in the Public Health Department, Government of Maharashtra, by way of present petition praying for directions to the Respondents, not to increase the age limit for superannuation of the District Health Officers, Civil Surgeons and superior officers working in the Public Health Department, for the reasons that it has blocked the legitimate right of promotion and future prospects of petitioners and others like petitioners.

4. Heard Shri Avinash Deshmukh, learned counsel for the petitioners, Shri V. M. Kagne learned Asst. Govt. Pleader for the respondent No. 1 to 5 and Shri A. R. Salve for intervenor.

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5. Shri Deshmukh, learned counsel for petitioner has alleged that to give benefit to some of the officers who are nearer and dearer, Ministers and higher officers working in the Mantralaya, issued impugned Government Resolutions, increasing the age of superannuation.

6. Shri Deshmukh, learned counsel for the petitioners argues that from last many years no effective steps have been taken by the respondents to fill in the vacancies though petitioners and many like petitioners, are available for promotion and though candidates in large number are available for fresh recruitment.

7. He submits that provisions of the Maharashtra Civil Services (Pension) Rules 1982 (herein after referred as 'Rules, 1982') prescribes the age of retirement but does not empower the State Government to increase the age limit of retirement of a Government Servant from 58 to 60 years by issuing Government Resolutions. Thus, it amounts to exercise of legislative power without authority.

8. He points out that no cogent and valid reasons are given in the Government Resolutions to increase the age of

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superannuation, therefore the same is arbitrary, mala fide and not sustainable in the eyes of law.

9. Per contra the learned Asst. Government Pleader submits that due to shortage of Medical Officers and Higher Officers, Government is facing difficulties in providing Health Services to the needy people, therefore, the age of superannuation has been increased in exercise of power under Rule 12 of Rules, 1982.

10. He points out that in the 'Civil Surgeon' Cadre, sanctioned posts are 643 out of which 377 posts are vacant. In the 'District Health Officers' Cadre sanctioned posts are 281 out of which 141 posts are vacant. In the 'Specialty' cadre sanctioned posts are 627 out of which 466 posts are vacant.

11. He draws attention of this Court to the fact that four Specialty Doctors have been appointed on recommendation of Maharashtra Public Service Commission, vide order dated 7th March, 2018. Promotion to 58 Medical officers in Civil Surgeon cadre has been granted vide order dated 9th May, 2018.

12. According to him the Government is making all efforts to

fill up the vacant post and for speedy recruitment of Medical Officers (Group A), a Committee under the Collector of each District has been formed as per the Government Resolution dated 26th October, 2016, and vacant posts to some extent have filled in.

13. He lastly opposes the petitioner on the ground that the petitioners are Government employees and they can raise their grievance before the Administrative Tribunal.

14. To consider the rival contentions, we have gone through the record and relevant provisions of law.

15. To consider the contentions of learned counsel for the respective parties, it is necessary to refer to Rule 10(I) and Rule 12 of the Maharashtra Civil Services (Pension) Rules, 1982. It reads thus:-

"10. Age of retirement (I) Except as provided in this rule, every Government servant, other than a Class IV servant, shall retire from service on the afternoon of the last day of the month in which he attains the age of 58 years.

12. Extension in service beyond the age of compulsory retirement:- Notwithstanding anything contained in sub-rule (3) of Rule 10 Government may grant an extension of service to any Government servant beyond the age of retirement, on public grounds, which must be recorded in writing.

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Note.- Normally except in very exceptional circumstances, extension should not be granted beyond the age of 60 years."

16. From Rule 10(1) of Rules, 1982, it is clear that age of retirement of a Government Servant is 58 years and under Rule 12, the Government may grant an extension of service to any Government servant beyond the age of retirement on public grounds, which must be recorded in writing.

17. There is no doubt that maintenance and improvement of public health is of paramount importance as it relates to the right to life of every person. The services of Medical Officers, Civil Surgeons, Superior Officer and other Officers in the Public Health Department are directly connected with the issue of maintenance and improvement of public health.

18. In the case of Association of Medical Superspeciality Aspirants and Residents and others Vs. Union of India and others reported in (2019) 8 Supreme Court Cases 607. The paragraphs 22 to 26 read thus:

"22. Article 21 of the Constitution of India imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance. The Government hospitals run by

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the State and the Medical Officers employed therein are duty bound to extend medical assistance for preserving human life. Failure on the part of a Government hospital to provide timely medical treatment to a person in need of such treatment results in violation of his right guaranteed Under Article 21 of the Constitution. 2 Therefore, in a welfare State it is the obligation of the State to ensure the creation and the sustaining of conditions congenial to good health.

23. Article 47 of the Constitution reiterates the constitutional obligation imposed on the State to improve public health. The Directive Principle provides as follows:

"47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health : The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."

24. In *Akhil Bharatiya Soshit Karamchhari Sangh v. Union of India* MANU/SC/0058/1980 : (1981) 1 SCC 246 it was held that maintenance and improvement of public health have to rank high as these are indispensable to the very physical existence of the community and on the betterment of these depends the building of the society of which the Constitution makers envisaged. It was further observed in the above judgment that attending to public health, therefore, is of high priority-perhaps the one at the top.

25. It is for the State to secure health to its citizens as its primary duty. No doubt the Government is rendering this obligation by opening Government hospitals and health centers, but in order to make it meaningful, it has to be within the reach of its people, as far as possible, to reduce the queue of waiting lists, and it has to provide all facilities to employ best of talents and tone up its administration to give effective contribution, which is also the duty of the Government.

26. Right to health is integral to the right to life. Government has a constitutional obligation to provide

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health facilities 5. The fundamental right to life which is the most precious human right and which forms the ark of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance the dignity of the individual and the worth of the human person. The right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something much more than just physical survival. The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter, and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. Every act which offends against or impairs human dignity would constitute deprivation pro tanto of this right to live and the restriction would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights."

19. Hence, it is clear that Article 21 of the Constitution of India imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance and therefore maintenance and improvement of public health has to rank high, so these are indispensable to the very physical existence of the community and on the betterment of these, depends the building of the society of which the constitution makers envisaged.

20. But in order to make it meaningful it has to be within

the reach of its people, as far as possible, to reduce the queue of waiting lists and it has to provide all facilities to employ best of talents and tone up its administration to give effective contribution, which is also the duty of the Government.

21. Failure on the part of Government hospitals to provide timely medical treatment to a person in need of treatment resulting violation of his right guaranteed under Article 21 of the Constitution of India. Therefore, in a welfare State it is the obligation on the State to ensure the creation and the sustaining of conditions congenial to good health.

22. Thus, it is obligatory on the part of the State Government not only to open Government hospitals and health centers but also to provide all facilities to employ best of talents and tone up its administration to take timely steps in the matter of filling vacancies in the Government Medical hospitals and health centers, so as to provide timely medical treatment to a person in need of treatment.

23. Public interest requires and demands, that as and when vacancies arise, candidates duly selected in accordance with law

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should be available to occupy them in order to avoid the mischief of posts remaining vacant for long period merely because of the complex and long process of selection. Public interest requires that there need not be any gap between the occurrences of a vacancy and the appointment. The government must be both, responsible to and responsive to the community. All public institutes including Public Health Department are expected to carry out their role and responsibilities with integrity and efficiency for the service of the public.

24. The Government possesses sufficient data in respect of vacancies to be occurred in future and thus the Government is expected, in the matter of filling of vacancies in Public Health Sector, to take timely steps to fill in the vacancies, so as to effectively discharge its solemn duty towards its citizens.

25. Failure to perform its obligation to provide health services by filling vacancies of the medical officers, superior officers and specialty in the public health department, amounts to not providing timely medical treatment to a person in need of such treatment.

26. In the present matter, it is the case of the respondents that due to shortage of Medical Officers and Higher Officer, the Government is facing difficulty in providing health services to the needy people, however, the details about the steps taken by the Government in last seven to eight years to fill in the vacancies, have not been brought on record.

27. It appears from the record that except the statement by the respondents that Government is taking steps to fill up the vacancies, nothing has been brought on record to show that the respondents are serious in filling up the vacancies.

28. Even from the reply of the respondents, it can be seen that 377 posts of 'Civil Surgeons' are vacant, 141 posts of 'District Health Officers' cadre are vacant and in the Specialty 466 posts are vacant.

29. Whereas four appointments in Specialty Cadre were made vide order dated 7th March, 2018 and vide order dated 9th May, 2018, 58 'Medical Officers' have been promoted in 'Civil Surgeon' cadre.

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30. Except these figures of promotion of 58 Medical Officers and appointment of Specialty Doctors, there is no statement made in the affidavit by the respondents about what steps have been taken to make promotions and appointments after 2015, that is after the issuance of impugned Government Resolutions.

31. There is no statement in the affidavit of the respondents that no candidates are available for promotion or for direct recruitment.

32. In absence of these details and data available on record, merely saying that due to shortage of Medical Officers and Higher Officers, the Government is facing difficulty in providing health services to the needy people is not sufficient and it appears to be an eye wash to create a public ground for grant of extension beyond age of superannuation.

33. In the said backdrop, if we consider the provisions of Rule 12, it is clear that the said provision is meant for a public servant whose retention after the period of retirement is depended upon exigencies / public grounds, that is only in special circumstances.

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34. The said Rules permit the Government to continue a Government servant beyond the age of retirement on public grounds. The public ground which is shown in the present matter is shortage of Medical Officers and Higher Officers. Admittedly the said situation has been created because of non filling of vacancies for years together by the Government. The said situation cannot be therefore termed as an 'exigency' or an 'unforeseen situation'. There are vacancies in large numbers, continuously from prior to 2015 which is evident from impugned Government Resolutions.

35. Therefore, we are of the considered view that the public ground which has been shown in the present matter is a created one, because of the failure on the part of the Government to perform its obligatory duty to promptly fill in the vacancies by taking necessary steps in that regard.

36. In this matter, it is apparent from the record that for years together the Government has not taken necessary and sufficient steps to fill in the vacancies by granting promotion or by making fresh recruitment.

37. Thus, it appears to us that Government is not serious in

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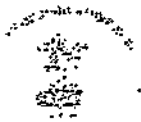
removing the vacancies by filling the same through the candidates like the petitioners who are available for promotion or through fresh candidates who are coming out of the Medical Colleges every year in large numbers by completing their medical training and course.

38. Moreover, according to us, the general application of Rule 12 of the Rules, 1982 is not permissible, whereas only in special circumstances which have arisen out of some unavoidable exigency. *Albeit* applying the Rule 12 of the Rules, 1982 in general manner and not to individual case, as in the present case, the whole idea of fixing the age of retirement and granting extension to Government Servant only in the case of public grounds beyond the age of retirement becomes meaningless.

39. Under Rule 12 of the Rules, 1982, a Government Servant can be retained beyond the age of superannuation when the Government in exigencies of public service or on public grounds exercise its discretion to retain a Government Servant in service after the age of superannuation.

40. The scope for exercise of this discretion is limited to an

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individual Public Servant and not in general, unrestricted and uncontrolled manner.

41. In the present matter the Government instead of filling the vacancies, has adopted a course of increasing the age of superannuation from 58 years to 60 years by illegally exercising discretion under Rule 12 of the Rules, 1982, which is not permissible in law.

42. At this stage, it is also necessary to examine the powers of the State Government to issue any such Government Resolutions / executive instructions which is admittedly not in conformity with the provisions of the Rules, 1982.

43. Article 162 of Constitution of India lays down the extent of the executive powers of the State in following terms.

162. Extent of executive power of State.-

Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws.

Provided that in any matter with respect to which the Legislature of a State and Parliament have power to make laws, the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by the Constitution or by any law made by Parliament upon the Union or authorities thereof.

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44. In the case of G.I. Fernandez Vt. The State of Mysore and others reported in AIR 1967 Supreme Court 1753, Hon'ble the Supreme Court of India has observed thus:

"Learned counsel for the appellant is unable to point out any statute under which these instructions in the code were framed. He also admits that they are administrative instructions by government to its servants relating to the public works department. But this contention is that they are rules issued under Article 162 of the Constitution. Now Article 162 provides that 'executive power of a state shall extend to the matters with respect to which the legislature of the State has power to make laws'. This Article in our opinion merely indicates the scope of the executive power of the State, it does not confer any power on the State Government to issue rules there under. As a matter of fact wherever the Constitution envisages issue of rules it has so provided in specific terms. We may for example refer to Art. 309 the proviso to which lays down in specific terms that the President or the Governor of a State may make rules regulating the recruitment and the conditions of service of persons appointed to services and posts under the Union or the State. We are therefore of opinion that Art. 162 does not confer any power on the State Government to frame rules and it only indicates the scope of the executive power of the State. Of course, under such executive power, the State can give administrative instructions to its servants how to act in certain circumstances; but that will not make such instructions statutory rules which are justifiable in certain circumstances. In order that such executive instructions have the force of statutory rules it must be shown that they have been issued either under the authority conferred on the State Government by some statute or under some provision of the Constitution



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providing therefore."

45. In the case of J and K Public Service Commission etc. Vs. Dr. Narinder Mohan and others etc. reported in AIR 1994 Supreme Court 1808, the Hon'ble the Supreme Court of India observed thus:

"7. Existence of statutory Rules is not a condition precedent to appoint an eligible and fit person to a post. The executive power is co-extensive with legislative power of the State and under Article 162, the State can create civil posts fill them up according to executive instructions consistent with Articles 14 and 16 of the Constitution. It is settled law that once statutory rules have been made, the appointment shall be only in accordance with the rules. The executive power could be exercised only to fill in the gaps but the instructions cannot and should not supplant the law, but would only supplement the law. The Governor exercising the power under proviso to Section 125 (Article 309 of the Constitution of India) made the rules which do not expressly give the power to the State Government to make ad hoc appointments. No such rule has been brought to our notice. No express power was conferred and in fact cannot be conferred to relax the rules of recruitment. Having made the Rules the executive cannot fall back upon its general power under Article 162 to regularise the ad hoc appointments under the Rules. Rule 9(3) empowers only to relax the qualification of age in particular exigencies which cannot be called in aid to relax the rules of recruitment. To tide over unforeseen exigencies, power to make ad hoc appointments, may be visualised as envisaged by Explanation-5 to Rule-4, but it expressly states that by virtue of such appointment, the ad hoc appointee does not become member of the service. The rules prescribe direct recruitment/promotion by

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selection as the mode of recruitment which would be done only by PSC or promotion committee duly constituted and by no other body. Therefore, ad hoc employee should be replaced as expeditiously as possible by direct recruits. A little leeway to make ad hoc appointment due to emergent exigencies, does not clothe the executive government with power to relax the recruitment or to regularise such appointment nor to claim such appointments to be regular on in accordance with rules. Back door ad hoc appointments at behest of power source or otherwise and recruitment according to rules are mutually ant agnostic and strange bed partners. They cannot co-exist in the same sheath. The former is in negation of fair play. The later are the product of order and regularity. Every eligible person not necessarily be fit to be appointed to a post or office under the State, selection according to rules by a properly constituted commission and fitment for appointment assures fairness in selection and inhibits arbitrariness in appointments. In view of the Explanation-b to Rule 4 the ad hoc appointments to any post in any of the three wings of the services under the rules are therefore de hors the rules. Appointments of the respondents 1 to 6 cannot be held to be in accordance with the Rules."

46. From the judgments referred above, it is clear that Article 162 of the Constitution of India does not confer any power on the State Government to frame rules and it only indicates the scope of the executive powers of the State. Under such executive powers, the State can give administrative instructions to its servants, as how to act in certain circumstances; but that will not make such instructions statutory rules which are justifiable in certain circumstances.



47. It is now well settled law that the executive orders cannot be made for giving effect in violation of what is mandatory by the rules. The Hon'ble the Supreme Court of India in the case of Punjab and National Bank by Chairman and another Vs. Astanija Dahi reported in 2008(14) SCC 370, has observed thus :-

"In Vasu Dev Singh V Union of India wherein the validity of Section 3 of the East Punjab Urban Rent Restriction Act, 1949 was challenged, this Court after referring to a large number of decisions on subordinate legislation, held: (SCC p.796, para 118)

"118. A statute can be amended, partially repealed or wholly repealed by the legislative only. The philosophy underlying a statute or the legislative policy, with the passage of time, may be altered but therefor only the legislature has the requisite power and not the executive. The delegated legislation must be exercised, it is trite, within the parameters of essential legislative policy. The question must be considered from another angle. Delegation of 'essential legislative' function is impermissible. It is essential for the legislature to declare its legislative policy which can be gathered from the express words used in the statute or by necessary implication, having regard to the attending circumstances. It is impermissible for the legislature to abdicate its essential legislative functions. The legislature cannot delegate its power to repeal the law or modify its essential features"

48. In the case of Sant Ram Sharma Vs. State of Rajasthan and others reported in AIR-1967 Supreme Court 1210, the Hon'ble the Supreme Court of India observed thus:

"It is true that there is no specific provision in the Rules, laying down the principle of promotion of junior or senior grade officers to selection grade posts. But that

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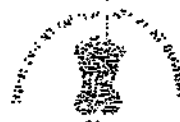
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does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade posts. It is true that Government cannot amend or supersede statutory Rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed"

49. The judgments referred above further make it clear that once statutory rules have been made, the executive power could be exercised only to fill in the gaps but the instructions cannot and should not supplant the law, but would only supplement the law.

50. To tide over unforeseen exigencies, the grant of extension or to increase the age of superannuation of some employee may be permissible but, by way of executive instructions, increasing the age of superannuation of all District Health Officers, Civil Surgeons and Superior Officers working in the Public Health Department from 58 years to 60 years, is not permissible without express authority and power under the Rules.

51. It is well settled law that what cannot be done directly cannot be done indirectly. When any alteration is to be brought



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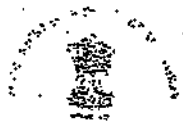
about by legislation, the same purpose cannot be achieved by taking recourse to Government Resolutions or Executive instructions which do not have the force of law.

52. In the present matter, the Government is not able to point out any provision under any statute, under which the State Government can issue such executive instructions by the way of Government Resolutions, increasing the age of superannuation from 58 years to 60 years, except Rule 12 of the Rules, 1982 which we have already discussed herein above and held that its application is limited to an individual Public Servant and not in an unrestricted and general manner.

53. In view of the above discussions, we have no hesitation to hold that the impugned Government Resolutions dated 30th May, 2015, 30th June, 2015 and 3rd September, 2015 are illegal and issued without any express authority or power under the statute. Thus, the said Government Resolutions are arbitrary in nature and are liable to be set aside.

54. Since, we have already held that the impugned Government Resolutions, increasing the age of superannuation, are

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illegal and the same have been issued without authority or power, we reject the plea of alternate remedy raised by the respondents. More over there is no complete bar to exercise writ jurisdiction. Looking to the illegality involved in the present matter we are of the opinion that the said objection is liable to be rejected.

55. Accordingly, we declare that the impugned Government Resolutions dated 30th May, 2015, 30th June, 2015 and 3rd September, 2015 are illegal and are hereby set aside. However, we are not inclined to unsettle the Medical Officers, Civil Surgeons and Superior Officers in Public Health Department who are benefited by the said Government Resolutions, in view of the fact that they are not party before us and in view of present situation which has arisen because of COVID-19. However, we make it clear that the State Government shall not grant further extension by way of executive instruction without the authority and power under the statute.

56. Considering large vacancies in health department, it is expected that the State Government should take necessary steps to fill in the vacancies expeditiously, in the interest of public at large.

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57. Accordingly, the Writ Petition is allowed in above terms.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

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D. No. 11799/2020 /SEC-IX
SUPREME COURT OF INDIA

NEW DELHI

02nd December, 2021

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

THE REGISTRAR,
HIGH COURT OF JUDICATURE AT
BOMBAY
AT AURANGABAD,
MAHARASHTRA

PID: 138350/2021 IN SLP(C)
NO.7585/2020 (SEC IX)

SPECIAL LEAVE PETITION (CIVIL) No. 7585 OF 2020 & 1292 OF 2021
(Petitions under Article 136 of the Constitution of India from the judgement and
Order dated 20th March, 2020 of the HIGH COURT OF JUDICATURE AT
BOMBAY AT AURANGABAD, AURANGABAD BENCH, MAHARASHTRA
in WP No. 5402 of 2018).

DR. YESHWANT
SIDHOJIRAO CHAVAN ETC.
ETC.

Versus

Petitioner

DR. SANJAY AND OTHERS

Respondent(s)

Sir,

I am directed to inform you that the Petitions above mentioned filed in
Supreme Court were Dismissed by the Court on 29th November, 2021.

Yours faithfully,

[Signature]
ASSISTANT REGISTRAR

Copy to :-

- 1 Mr. Shivaji M. Jadhav, Advocate
- 2 Mr. Sachin Patil, Advocate
- 3 Mr. Shirish K. Deshpande, Advocate

[Signature]
ASSISTANT REGISTRAR

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MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 639 OF 2021

DISTRICT: - BEED.

1. Dr. Sanjay S/o Ramrao Kadam,
Age-48years, Occu. : Service as
Taluka Health Officer, Georai,
R/o-19, Navjeevan Shikshak Colony,
Beed, Tq. & Dist. Beed.
Mob: 9422744833
2. Dr. Vikas S/o Uttamrao Athawale,
Age-46years, Occu. : Service as
Taluka Health Officer, Kaij,
Tq. Kaij, Dist. Beed.
Mob. 9422378400
3. Dr. Dnyaneshwar Shesherao Nipte,
Age-46years, Occu. : Service as
Medical Officer, District T.B. Center,
Beed, Tq. & Dist. Beed.
Mob. 9422744589
4. Dr. Sanjeevani Chitambar Gavhane,
Age-46years, Occu. : Service as
Medical Officer, Primary Health
Centre, Khalapuri, Tq. Shirur,
Dist. Beed.
Mob. Not available
5. Dr. Manisha Uttamrao Kale,
Age-44years, Occu. : Service as
Medical Officer, Assistant Director,
(Leprosy) Office, Beed.
Mob. 9423206732
6. Dr. Satish Bapurao Shinde,
Age-47years, Occu. : Service as
Medical Officer District T.B. Center,
Beed, Tq. & Dist. Beed.
Mob. 9422295066

APPLICANTS.

VERSUS

1. The State of Maharashtra,
Through the Principal Secretary,
Public Health Department,
10th Floor, G.T. Hospital Compound,
Government of Maharashtra
Mantralaya, Mumbai-32.
2. The State of Maharashtra,
Through its Secretary,
Public Health Department,
10th Floor, G.T. Hospital Compound,
Mantralaya, Mumbai.
3. The Commissioner of Health &
Mission Director, National Health
Mission, Maharashtra State,
Arogya Bhawan, St. George Hospital
Compound, Near C.S.T. Mumbai.
4. The Director of Health Services,
Arogya Bhawan, St. George Hospital
Compound, Near CST, Mumbai.
5. The Under-Secretary,
Public Health Department, 10th Floor,
G.T. Hospital Compound,
Mantralaya, Mumbai.

RESPONDENTS.

APPEARANCE :- Shri Avinash S. Deshmukh, learned
Counsel holding for Shri Sanjay B. Bhosale,
learned Counsel for the applicants.

Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondents.

CORAM : Hon'ble Shri Justice P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A).

DATE : 4th January, 2022

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172**ORDER**

-- (Per : Shri Justice P.R. Bora, Member (J))

1. Heard Shri Avinash S. Deshmukh, learned Counsel holding for Shri Sanjay B. Bhosale, learned Counsel appearing for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents. Perused the Original Application, affidavit-in reply filed on behalf of the respondents and the documents placed on record by the parties.
2. In the present Original Application the applicants have questioned the validity of the Government Resolution dated 31.5.2021 issued under the signature of respondent no. 5 and have sought the quashment of the said Resolution.
3. Vide Government Resolution dated 31.5.2021 the age of retirement of the Medical Officers Group-A working under the Health Department of the State in the pay scale of Rs. 56,100-1,77,500, of all superior Officers working in the Public Health Department in the pay scale of Rs. 67,700-2,08,700 and above and of the Medical Officers and other superior Officers working in the Employees State Insurance Scheme has been increased up to the age of 62 years by the State.

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4. The preamble to the said Resolution reveals that vide Resolution dated 1.7.2019 read with Corrigendum to it dated 26.11.2019 a decision was taken to enhance the retirement age of all the Officers referred in the G.R. dated 31.5.2021 up to the age of 62 years, subject to approval of the State Cabinet. The averments in the preamble further reveal that since the period of implementation of the said G.R. dated 1.7.2019 was expiring on 31.5.2021 and having regard to the fact that 193 Officers falling in the category of Medical Officers Group-A were retiring on 31.5.2021, which was likely to have serious adverse impact on the Medical Services to be provided to public at large through the Government Hospitals and Primary Health Centres, during the pandemic of COVID-19 which was spreading fast, the Government has decided to enhance the age of retirement of such Officers up to the age of 62 years. In the Resolution it is clarified that the said Resolution would remain in force for the period of one year starting from 31.5.2021 till 31.5.2022. As stated further, the Resolution was issued, subject to post facto sanction of the State Cabinet.

5. It is specific objection of the applicants that the impugned G.R. has been issued by the State without any authority and in utter disregard of the judgment delivered by the Division Bench of

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Hon'ble Bombay High Court in Writ Petition No. 5402/2018 on 20.3.2020.

6. In the Writ Petition No. 5402/2018 the petitioners therein had challenged the G.Rs. dated 30.5.2015, 30.6.2015 and 3.9.2015-issued by the State increasing the age of superannuation of the District Health Officers, Civil Surgeons and superior Officers working in the Public Health Department from 58 to 60 years on the ground of non-availability of Medical Officers and senior Officers at General Hospitals, Sub District Hospitals and Rural Hospitals. It was the contention of the petitioners that the age of retirement as prescribed under the Maharashtra Civil Services (Pension) Rules, 1982 cannot be enhanced by issuing the G.Rs. since it amounts to exercise of legislative power by the Executives without authority. The oppose of the petitioners for increasing the age of retirement was also for the reason that it has blocked legitimate right of promotions and further prospects of the petitioners and many more similarly situated officers. [The petitioners had alleged that to give benefit to some of the Officers, who are nearer and dearer to the Ministers and the higher Officers working in the Mantralaya, the impugned G.Rs. increasing the age of superannuation had been issued. It was the further contention of the petitioners that from last many years no effective steps have

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been taken by the respondents to fill in the vacancies, though the petitioners and many more like the petitioners are available for promotions and though large number of candidates are available for fresh recruitment.

7. It was the stand of the Government before the Hon'ble High Court that the Government was facing difficulties in providing services to the needy people in the pandemic of Corona, which has necessitated increase in the age of retirement of the Civil Surgeons, District Health Officers and other superior Officers working under the Public Health Department. It was submitted by the Government that in the cadre of Civil Surgeons 377 posts were vacant, whereas in the cadre of District Health Officers 141 posts were vacant and 466 posts were vacant in specialty cadre.

It was also the contention of the State that the age of superannuation was increased by the State in exercise of powers under rule 12 of M.C.S. (Pension) Rules, 1982.

8. The Hon'ble Division Bench after having considered the facts involved in the matter and the relevant legal provisions held that it was not within the power of the State Government to increase the age of retirement of the concerned Medical Officers as prescribed in M.C.S. (Pension) Rules, 1982 by issuing G.Rs. in that regard. The Hon'ble High Court also rejected the contention raised on

behalf of the State that the concerned G.Rs. were issued exercising the discretion under rule 12 of M.C.S. (Pension) Rules, 1982. The Hon'ble High Court has observed, that to increase the age of retirement of some employees may be permissible under rule 12 of M.C.S. (Pension) Rules, 1982, but the age of superannuation of all District Health Officers, Civil Surgeons and superior-Officers working in Public Health Department could not have been increased from 58 years to 60 years merely by issuing G.R. without express authority and power under the said rules. The Hon'ble High Court has further observed that the Government was not able to point out any provision under any Statute which empowers the State to increase the age of retirement by issuing G.R. in that regard. The Hon'ble High Court ultimately declared the G.Rs. impugned in the said Writ Petition to be illegal and consequently set aside the same. Having regard to the situation of COVID-19 and considering that the Medical Officers, Civil Surgeons and Superior Officers in the Public Health Department, who were benefited by the said G.Rs., were not party to the said Writ Petition, though the impugned G.Rs. were set aside, the Hon'ble High Court did not unsettle the said Officers. However, it was specifically observed by the Hon'ble High Court that the State Government shall not grant further extension by way of executive instructions without authority and power under the Statute.

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9. In backdrop of the judgment delivered by the Hon'ble High Court in Writ Petition No. 5402/2018, the G.R. dated 31.5.2021 impugned in the present O.A., apparently appears unsustainable.

10. In the affidavit in reply submitted on behalf of the respondents it is contended that the G.Rs., which were challenged in the Writ Petition No. 5402/2018 before the Hon'ble High Court were effective up to 31.5.2018. It is further contended that the Government thereafter issued the G.R. dated 29.8.2018 after the approval of the State Cabinet. It is further contended that the impugned G.R. dated 31.5.2021 has also received post facto sanction from the State Cabinet. It is further contended that the Government has taken the decision to amend M.C.S. (Pension) Rules, 1982 and more particularly rule 10 thereof. It was, therefore, argument of the learned C.P.O. that the impugned G.R. is based on the decision of the State Cabinet to amend the relevant rules and hence cannot be faulted with.

11. In para 6 of the affidavit in reply the respondents have given the reasons for which the State was required to issue the impugned G.R. increasing retirement age of Group-A Medical Officers. We deem it appropriate to reproduce the entire said para which reads thus :-

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"6. I say that meanwhile in the year 2020 covid-19 pandemic started and the Health Department had to face many problems due to shortage of medical officers. Therefore Government decided vide Government resolution dated 31st May, 2021, to increase superannuation age up to 62 years for the officers working in Maharashtra Medical and Health Services Group-A, Maharashtra Medical Insurance Services Group working in pay level S-20 and senior officers working in S-23 and above pay levels for the period of 1 year i.e. from 31st May, 2021 to 31st May, 2022, to be able to find solutions and implement the same to control spread of covid-19 pandemic. Post facto sanction of state cabinet for the decision has also been taken and it is conveyed vide GR dated 9th August, 2021. State cabinet has also decided to amend Maharashtra Civil Services (Pension) Rules, 1982, Rule 10 accordingly. So said Government Resolution is based on decision of Cabinet to amend the relevant statutes / Rules."

12. In para 7 of the affidavit in reply the respondents have attempted to submit how the act of issuance of the impugned G.R. is in consonance with the observations made by the Hon'ble High Court in the judgment in Writ Petition No. 5402/2018. Para 7 reads thus :-

"7. I say that Government resolutions issued in 2015 which were challenged in the honourable High Court Aurangabad bench was in effect up to 31st May of 2018."

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The Government resolution issued thereafter on 29th August 2018 has been issued after the approval of state cabinet and also post facto sanction has been taken of the state cabinet for the decision taken vide Government resolutions 31st May 2021. Based on judgment of Hon'ble High Court dated 20th March, 2020 it appears that State can increase the age of superannuation by amending the rules. Accordingly Government has taken decision to amend Maharashtra Civil Services (Pension) Rules."

13. We are, however, not convinced with the defence as has been raised in the reply filed on behalf of the respondents and submissions made by the learned C.P.O. based on the said averments in the reply. While deciding, Writ Petition No. 5402/2018, the Hon'ble High Court has clearly held that unless the Pension Rules are amended the age of retirement of the concerned Medical Officers cannot be increased. It is thus evident that mere decision by the Cabinet to amend the said rules was not sufficient, legal requirement was to get the said rules amended by following the due procedure.

14. Judgment in Writ Petition No. 5402/2018 was delivered on 20.3.2020. The impugned G.R. has been issued about 14 months thereafter. It does not appear to us that it was not possible for the Government to bring the suitable amendment in M.C.S. (Pension)

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Rules, 1982, during the said period, if at all the Government was finding it necessary to increase the age of retirement of the concerned Medical Officers. Admittedly, it has not been done and instead of taking legal recourse, the age of retirement of the concerned Medical Officers has been again increased by the State by issuing the impugned G.R., without any statutory authority. On this ground alone the impugned G.R. deserves to be quashed.

15. In para-7 of the affidavit in reply filed by the respondents it is stated that "based on the judgment of the Hon'ble High Court dated 20.3.2020, it appears that the State can increase the age of superannuation by amending the rules." It is further stated that; "accordingly the Government has taken decision to amend the M.C.S. (Pension) Rules, 1982." However, no further information is provided as to when the Government has taken the decision to amend the M.C.S. (Pension) Rules, 1982, nor the copy of any such decision is placed on record. The question further arises why the said decision of amending the M.C.S. (Pension) Rules, 1982 has not been implemented, though sufficient time was available with the Government. Moreover, in the impugned G.R. it is not even whispered that the Government is intending to amend the M.C.S. (Pension) Rules, 1982. It is the matter of record that the State has not challenged the decision rendered in Writ Petition No.

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5402/2018. It is also a matter of record that though one Dr. Yeshwant Sindhojirao Chavan had filed S.L.P., the same has been dismissed by the Hon'ble Apex Court with an observation that no interference is warranted. Issuance of impugned G.R. in the premise of aforesaid facts demonstrates the hostility of the respondents towards the orders passed by the Hon'ble High Court.

16. In para 6 of the affidavit in reply shortage of Medical Officers is the reason assigned for increasing the retirement age of the existing higher Officers working on the posts of Civil Surgeons, District Health Officers etc. It is the matter of record that even while increasing the age of superannuation of such higher Officers for the first time vide G.R. dated 30.5.2015, the reason assigned was the same that there was shortage of Medical Officers. Since 2015 to 2021 why the Government did not get the candidates for the post of Medical Officers is the matter of introspection for the Government.

17. It is not the case that there are no sufficient numbers of eligible candidates for appointment on the post of Medical Officers. However, as pointed out by the applicants many of them are reluctant to accept the said appointments. The applicants have stated the reason also why these young Medical Officers are reluctant to join the Government Hospitals. It is the specific

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allegation of the applicants that as because promotions are not timely given in the Government jobs, there is lot of frustration amongst the aspiring Medical Officers and apprehending the said situation the young Medical graduates are not opting for jobs in the Government Hospitals. It is difficult to reject the aforesaid allegation.

18. The information on record shows that after 2015 no due steps have been taken for effecting the promotions. In the circumstances, if the Government is suffering a shortage of Medical Officers, we reiterate that it is a matter of introspection for the Government. We regret to state that instead of addressing aforesaid genuine bottleneck and making amends to remove the same by giving timely promotions to the aspiring eligible candidates, the Government has chosen the impermissible and illegal way of enhancing the retirement age of existing Medical Officers working on the higher posts.

19. We reiterate that it is not the case of the respondents that they are not getting the competent persons to promote them on higher posts like Civil Surgeons, District Health Officers etc. The contentions of the applicants in the present O.A. that there are large number of Medical Officers in the Health Services, who are eligible for such promotion, has not been denied or disputed by

the respondents. No explanation is however coming forth from the respondents as to why their promotions have not been effected from time to time. The respondents have not provided any concrete information as to what steps have been taken in that regard.

20. For the facts discussed and the reasons stated hereinabove the G.R. dated 31.5.2021 issued under the signature of respondent no. 5 cannot be sustained, firstly : for the reason that the same is issued without any express authority or power under the statute and hence is illegal; secondly : that it has been issued in utter disregard of and in violation of the order passed by the Division Bench of the Hon'ble High Court in Writ Petition No. 5402/2018 and thirdly : that the respondents have utterly failed in giving any acceptable justification for issuance of such G.R.

21. While praying for setting aside the G.R. dated 31.5.2021, the applicants have also prayed for directing the respondents for taking immediate steps to fill in the vacancies as on today in the Public Health Department of the State. According to us, the applicants are fully justified in making such prayers which deserve to be granted.

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22. For the reasons stated above, we quash and set aside the G.R. dated 31.5.2021 issued under the signature of respondent no.5. Further, we direct the respondents to take all prompt steps to fill in the vacancies existing as on today in the Public Health Department and complete the entire process as expeditiously as possible.

23. Though we have allowed both the prayers made in the O.A., we may not unsettle the Medical Officers, who are benefitted by the impugned G.R. dated 31.5.2021 in view of the fact that they are not party before us. We leave it to wisdom of the respondents to take appropriate decision in that regard in view of the observations made by us in the body of the order and in light of the fact that the G.R. on the basis of which the said Officers are presently holding the respective posts has been set aside by us.

24. Before concluding our order, we deem it necessary to caution the respondents that they should take serious note of the unrest amongst the Medical Officers, who are eligible for promotions to the higher posts, but have not been promoted or else the "Health" of the Health Department is likely to deteriorate fast. To tide over the present situation, the more preferable way would be to promote the aspiring eligible candidates to the higher posts and simultaneously expedite the fresh recruitment.

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22. For the reasons stated above, we quash and set aside the G.R. dated 31.5.2021 issued under the signature of respondent no.5. Further, we direct the respondents to take all prompt steps to fill in the vacancies existing as on today in the Public Health Department and complete the entire process as expeditiously as possible.

23. Though we have allowed both the prayers made in the O.A., we may not unsettle the Medical Officers, who are benefitted by the impugned G.R. dated 31.5.2021 in view of the fact that they are not party before us. We leave it to wisdom of the respondents to take appropriate decision in that regard in view of the observations made by us in the body of the order and in light of the fact that the G.R. on the basis of which the said Officers are presently holding the respective posts has been set aside by us.

24. Before concluding our order, we deem it necessary to caution the respondents that they should take serious note of the unrest amongst the Medical Officers, who are eligible for promotions to the higher posts, but have not been promoted or else the "Health" of the Health Department is likely to deteriorate fast. To tide over the present situation, the more preferable way would be to promote the aspiring eligible candidates to the higher posts and simultaneously expedite the fresh recruitment.

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25. The Original Application No. 639/2021 is allowed in the
aforesaid terms with no order as to costs.

(BIJAY KUMAR)
MEMBER (A)

(JUSTICE P.R. BORA)
MEMBER (J)

Place : Aurangabad
Date : 4th January, 2022

ARI-GANGA NO. 619-2021 D.S. CHALLENGING C.R.

Annexure H

1.87
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उपसंचालक आरोग्य सेवा, नाशिक मंडळ, नाशिक					
वैद्यकीय अधिकारी रिक्त पदांची माहिती ✓					
अ.क्र.	पद	मंजूर	भरलेली	रिक्त	शेरा
१	एमबीबीएस	१७९	६२१	(३५८)	
२	एमबीबीएस एमडी (विशेषज्ञ)	३६५	९०	(२७५)	
३	एमबीबीएस एमएस (विशेषज्ञ)	२१८	७०	(१४८)	
४	एमबीबीएस ऑल डिप्लोमा (विशेषज्ञ)	०	१८२	-१८२	
	एकूण	१५६२	९६३	(५९९)	→ Total
बीएएमएस वैद्यकीय अधिकारी रिक्त पदांची माहिती					
१	बीएएमएस	२६७	१८५	८२	
२	एमबीबीएस एमडी (विशेषज्ञ)	०	०	०	
३	एमबीबीएस एमएस (विशेषज्ञ)	०	०	०	
४	बीएएमएस ऑल डिप्लोमा (विशेषज्ञ)	०	०	०	
अस्थायी / कंत्राटी पदांची माहिती					
१	एमबीबीएस	५७	११	१४	
२	एमबीबीएस एमडी (विशेषज्ञ)	२	२	१	
३	एमबीबीएस एमएस (विशेषज्ञ)	२	२	०	
४	एमबीबीएस ऑल डिप्लोमा (विशेषज्ञ)	१४	०	०	
५	बीएएमएस / एमडी / एमएस / ऑल डिप्लोमा (विशेषज्ञ)	०	३७	०	

(डॉ.कपिल आहेरा)
उपसंचालक आरोग्य सेवा,
नाशिक मंडळ, नाशिक

उपसंचालक आरोग्य सेवा, कोल्हापूर मंडळ कोल्हापूर

अ.क्र.	पद	मंजूर	भरलेली	रिक्त	शेरा
1	एम.बी.बी.एस.	636	288	348	
2	एम.बी.बी.एस. (एम.डी.) विशेषज्ञ	315	141	174	
3	एम.बी.बी.एस. (एम.एस.) विशेषज्ञ				
4	एम.बी.बी.एस. (ऑल डिप्लोमा) विशेषज्ञ				
		951	429	(522)	

बी.ए.एम.एस. वैद्यकीय अधिकारी रिक्त पदांची माहिती

अ.क्र.	पद	मंजूर	भरलेली	रिक्त	शेरा
1	बी.ए.एम.एस.				
2	बी.ए.एम.एस. (एम.डी.) विशेषज्ञ	64	45	(19)	
3	बी.ए.एम.एस. (एम.एस.) विशेषज्ञ	0	0	0	
4	बी.ए.एम.एस. (ऑल डिप्लोमा) विशेषज्ञ	0	0	0	

अस्थायी / कंत्राटी पदांची माहिती

अ.क्र.	पद	मंजूर	भरलेली	रिक्त	शेरा
1	बी.ए.एम.एस.	0	101		
2	बी.ए.एम.एस. (एम.डी.) विशेषज्ञ	0	8		
3	बी.ए.एम.एस. (एम.एस.) विशेषज्ञ				
4	बी.ए.एम.एस. (ऑल डिप्लोमा) विशेषज्ञ				
5	बी.ए.एम.एस./एम.डी./एम.एस./ऑल डिप्लोमा विशेषज्ञ				

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उपसंचालक आरोग्य सेवा लातूर मंडळ लातूर
वैद्यकीय अधिकारी रिक्त पदांची माहिती

अ.क्र.	पद	मंजूर	मरलेली	रिक्त	शेरा
1	एम बी बी एस	633	560	73	
2	एम बी बी एस एम डी विशेषज्ञ	210	198	12	
3	एम बी बी एस एम एस (विशेषज्ञ)	25	17	8	
4	एम बी बी एस ऑल डिप्लोमा (विशेषज्ञ)	125	107	18	

वीएनएस वैद्यकीय अधिकारी रिक्त पदांची माहिती

अ.क्र.	पद	मंजूर	मरलेली	रिक्त	शेरा
1	बी ए एम एस	86	49	37	
2	बी ए एम एस एम डी विशेषज्ञ				
3	बी ए एम एस एम एस (विशेषज्ञ)				
4	बी ए एम एस ऑल डिप्लोमा (विशेषज्ञ)				

अस्थायी / कंत्राटी पदांची माहिती

अ.क्र.	पद	अस्थायी	कंत्राटी
1	एम बी बी एस		
2	एम बी बी एस एम डी विशेषज्ञ		
3	एम बी बी एस एम एस (विशेषज्ञ)		
4	एम बी बी एस ऑल डिप्लोमा (विशेषज्ञ)		
5	बी ए एम एस /एमडी/एमएस/ऑल डिप्लोमा		30

**1985 Supp Supreme Court Cases 432 : 1986 Supreme Court
Cases (L&S) 49**

(BEFORE O. CHINNAPPA REDDY, V.B. ERADI AND V. KHALID, JJ.)

B. PRABHAKAR RAO AND OTHERS . . Petitioners;;

Versus

STATE OF ANDHRA PRADESH AND OTHERS . .

Respondents.

Writ Petitions Nos. 5447-5546, 5547-5574, 5586-5662, etc., SLP
(C) Nos. 8990, 9099 and 9110, CMP Nos. 24003 and 24003-A (in
WP No. 5154 of 1985) and CA No. 2508 of 1985¹, decided on
August 19, 1985.

Labour and Services — Retirement — Age of superannuation — Alteration in, resulting in discriminatory treatment to some amongst the same class of employees — Age reduced from 58 to 55 years — Writ petitions challenging the reduction filed before Supreme Court — Considering injustice caused to the employees, age agreed to be restored to 58 years by Government after Supreme Court's decision on the writ petitions — But in view of delay in Supreme Court's judgment, statutory amendments made raising the age to 58 years prospectively to give effect to the agreement — Persons attaining age of 55 years during interregnum between reduction and restoration of age (February 28, 1983 to August 23, 1984) excluded from the benefit of the enhanced age by the amendment — Such persons accordingly retired from service — Held, retirement of such persons arbitrary and discriminatory — A.P. Public Employment (Regulation of Age of Superannuation) Act, 1984 (23 of 1984), Section 3(1) and Explanation II (a) (as amended by Act 3 of 1985) — Word "not" occurring in clause 3(1) of the Amending Ordinance 24 of 1984 and Section 4 of the Amending Act 3 of 1985 struck down — Constitution of India, Articles 14 and 16

Constitution of India — Article 14 — Under-inclusive classification — Remedial legislative measure for a class of persons — Cannot exclude a few amongst the class unless their inclusion is impossible or is detrimental to public interest

Constitution of India — Article 14 — Classification — Constitutionality — Burden of proof on State

Held :

Per curiam

The action of the Government and the provisions of the legislation effecting division of Government employees into two classes — those who have already attained the age of 55 on February 28, 1983 and those who attained the age of 55

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between February 28, 1983 and August 23, 1984 on the one hand, and the rest on the other and denying the benefit of the higher age of superannuation to the former class is arbitrary and discriminatory. If all affected employees hit by the reduction of the age of superannuation formed a class and no sooner than the age of superannuation was reduced, it was realised that injustice had been done and it was decided that steps should be taken to

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undo what had been done, there was no reason to pick out a class of persons who deserved the same treatment and exclude from the benefits of the beneficent treatment by classifying them as a separate group merely because of the delay in taking the remedial action already decided upon.

(Para 20)

D.S. Nakara v. Union of India, (1983) 1 SCC 305 : 1983 SCC (L&S) 145 : (1983) 2 SCR 165, applied

Bishun Narain Mishra v. State of U.P., (1965) 1 SCR 693; *K. Nagaraj v. State of A.P.*, (1985) 1 SCC 523 : 1985 SCC (L&S) 280 and *State of Assam v. Padma Ram Borah*, AIR 1965 SC 473 : ILR (1963) 15 Ass 97, distinguished

Legislations to remedy wrongs ought not to exclude from their purview a few amongst the persons wronged unless the situation and the circumstances make the redressal of the wrong, in their case, either impossible or so detrimental to the public interest that the mischief of the remedy outweighs the mischief sought to be remedied.

(Para 20)

The burden of establishing the reasonableness of a classification and its nexus with the object of the legislation is on the State. In this case there is no such impossibility or detriment to the public interest involved in reinducting into service those who had retired as a consequence of the legislation which was since thought to be inequitable and sought to be remedied.

(Para 20)

Clause 3(1) of the A.P. Ordinance 24 of 1984 as also Section 4(1) of the A.P. Act 3 of 1985 which replaced it say that the provisions of the Ordinance/Act shall not apply to persons who attained the age of superannuation in pursuance of the notifications issued in GOMs No. 35, Finance and Planning (Finance Wing-FR I) Department, dated February 8, 1983, or in pursuance of the provisions of the A.P. Public Employment (Regulation of Age of Superannuation) Act, 1984, as in force prior to the commencement of the Ordinance/Act. Clause 3(1) and Section 4(1) may easily be brought to conform to the requirements of Article 14 by striking down or omitting the naughty word "not" from those provisions. The same object may be achieved by striking down the whole of clause 3(1) and Section 4(1) but

then the question may arise whether the rest of the Act would be sufficient to bring in those who have been excluded. The safer course would be to strike down the offending word "not" from these provisions.

(Paras 6 and 23)

D.S. Nakara v. Union of India; (1983) 1 SCC 305 : 1983 SCC (L&S) 145 : (1983) 2 SCR 165, followed

[Suitable directions in exercise of powers under Articles 32 and 142 given.]

(Para 23)

Per Balakrishna Eradi, J. (Supplementing)

The above conclusions in these cases are based entirely on the special facts and circumstances constituting the legislative history of the impugned Andhra Pradesh Ordinance 24 of 1984 and Act 3 of 1985. All that the Court holds is that in the context of these telling facts and circumstances which conclusively show that the object and purpose of the legislation was to set right the injustice that had been done, there is no rational or reasonable nexus or basis for separately classifying the employees who had retired from service prior to the date of commencement of Ordinance 23 of the 1984, who are the persons most affected by the wrong — by denying to them the benefit of

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the rectification of the injustice. The Court may not be understood as laying down that whenever the age of superannuation of Government employees or of employees of local authorities etc. is enhanced, the benefit of such enhancement should be extended not merely to persons in service on the date on which the change is effected but also to persons who have already retired from service prior to that date.

(Paras 25 and 26)

Per Khalid, J. (Supplementing)

Two important factors have persuaded me, to agree with the main Judgment and to err on the side of justice more than that of law, invoking the benevolent jurisdiction under Article 142(1). Firstly, these petitions involve a serious human problem. Certain swift moves on the political chessboard, taken in a hurry, without serious application of mind have resulted in arbitrariness. Justice demands that the petitioners should be saved of their predicament. Secondly, Supreme Court has to share for the sorry state that has come to pass in the matter because of delay in delivering its judgment on the writ petitions challenging the lowering of age of superannuation.

(Paras 28, 29 and 30)

However the decision *K. Nagaraj* case is an authority for the proposition that the charge of arbitrariness cannot be laid at the doors of the Government in matters

193 relating to policy decisions and that the Government have full powers to decide about the age of retirement considering the various data available before it. For the purposes of the present cases, Bishun Narain Mishra case is more appropriate and useful than D.S. Nakara which dealt with two classes of retired employees and a cut off date. The attempt to distinguish Bishun Narain case on the factual difference available in these cases is a matter for further probe, in order to see how far the distinction is destructive of the principle laid down there in its application to these cases.

(Para 27)

As regards the removing of the word "not" from clause 3(1) of the Amending Ordinance and Section 4(1) of the Amending Act, the guideline which courts should respect is that removing a word or adding words to a legislative enactment is an exercise, courts have been repeatedly warned against from embarking upon.

(Para 27)

Labour and Services — Relief — Reinstatement — Administrative chaos — Retirement of only those government servants who attained the lower age of superannuation during interregnum between lowering and again raising the age found by the court, on facts to be violative of Articles 14 and 16 — Plea of administrative chaos on the ground that temporary promotions/appointments already made in their place would be disturbed if they are reinstated in service — Tenability — Comparative hardship between the aggrieved retirees and the promotees/appointees weighed

Labour and Services — Relief — Compensation — In lieu of reinstatement can be granted to employees of Governments, public corporations and local authorities like the industrial workmen in appropriate cases

Held:**Per curiam**

The contention that there would be considerable chaos in the administration if those who had already retired are now directed to be reinducted into service is untenable on the facts of the present case.

(Para 20)

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It may be possible that in a given set of circumstances, portentous administrative complexity may itself justify a classification. But, there must be sufficient evidence of that — how the circumstances will lead to chaos. Ups and downs of career bureaucrats do not by themselves justify such a classification. It may however be of some consequence in the matter of granting relief.

(Para 20)

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Bradbury v. London Borough of Enfield, (1967) 3 All ER 434, relied on

In the present case the affidavits filed on behalf of the State do not disclose what disastrous consequences, insoluble problems and insurmountable difficulties will follow and how chaos will inevitably result. True quite a large number of employees who have been promoted will have to be reverted, but their promotions and promotional appointments are all temporary (and it would make no difference even if a few were regularly promoted) and it is not as if they lose for ever their promotional opportunities. The promotional opportunities are merely postponed to the dates on which they would be entitled to be promoted. As a result of the temporary promotions given to these persons, they have secured a double advantage. First, by the initial reduction of the age of superannuation, they obtained early and unanticipated promotion, that is to say promotion ahead of the normal date on which they would have otherwise been promoted; and second, their tenure in the promoted post was increased as a result of the subsequent increase of the age of superannuation. On the other hand, it would be a great injustice to deny justice to those who have suffered injustice merely because it may cause inconvenience to the administration. Their constitutional rights must be upheld and the Constitution must take precedence over convenience.

(Para 20)

However, in appropriate cases where reinstatement of the retirees would be impossible, they having already completed 58 years by now, or where reinstatement would be a wasteful exercise, they having only a month or two to go to attain the age of 58 years and to retire, the Court can, instead of directing their reinstatement, grant them back wages and future wages by way of compensation. When the Court can direct the private employers under the Industrial Law to pay such compensation, there is no impediment in doing so in the case of those that are expected to be model employers i.e. the Government, public corporations and local authorities.

(Para 20)

Statute Law — Retrospectivity — When a statute becomes retrospective in operation — Where statute enacted for a class of persons viz. retirees, mere inclusion of those who retired from service prior to coming into force of the statute would not render the statute retrospective in operation, more so if non-inclusion of such persons would be unconstitutional — A.P. Public Employment (Regulation of Age of Superannuation) Act, 1984 (23 of 1984), Section 3(1) and Explanation II(a) (as amended by Act 3 of 1985) and Section 4 of the Amending Act 3 of 1985 — Constitution of India, Article 14

Held :

Per curiam

The contention that it is not open to the court to give retrospectivity to a legislation to which the Legislature plainly and expressly refused to give retrospectivity is unwarranted in the context of the present case. The question is

195 not one of retrospectivity at all. The circumstance that the relief given by Ordinance 24 of 1984 and Act 3 of 1985 is not extended to those who had attained the age of 55 years by February 28, 1983 or between February 28,

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1983 and August 23, 1984, has the effect of limiting the field of operation of the Ordinance and the Act and introducing a classification which in order to be sustained must be shown to be reasonable and to have a nexus to the object to be achieved besides not being arbitrary. While it is a general rule of law that statutes are not to operate retrospectively, they may so operate by express enactment, by necessary implication from the language implied or where the statute is explanatory or declaratory or where the statute is passed for the purpose of protecting the public against some evil or abuse or where the statute engrafts itself upon existing situations etc. etc. But it would be incorrect to call a statute "retrospective", "because a part of the requisites for its action is drawn from a time antecedent to its passing".

(Para 21)

R. v. St. Mary, Whitechapel (Inhabitants), (1842) 12 QB 120, relied on

Moreover, the very refusal to make an Act retrospective or the non-application of the Act with reference to a date or to an event that took place before the enactment may, by itself, create an impermissible classification justifying the striking down of the non-retroactivity or non-application clause, as offending Article 14. That is the situation in the present case.

(Para 21)

Per Balakrishna Eradi, J. (Supplementing)

The Government has full power to effect a change in the age of superannuation of its employees on relevant considerations. If in the exercise of such power the age of superannuation is enhanced purely by way of implementation of a policy decision taken by the Government, such alteration can legally be brought about with prospective effect from the date of the commencement of the operation of the Ordinance, Act or Rule and no question of violation of Article 14 or 16 will arise merely because the benefit of the change is not extended to employees who have already retired from service.

(Para 26)

Per Khalid, J. (Supplementing)

By the operation of a valid law, some employees have retired by superannuation and have thus ceased to be members of their respective service. What is now attempted is to retrospectively re-induct them into service, a procedure that courts should frown upon and not encourage. This gave me some difficulty in accepting the petitioners' case.

(Para 21)

Constitution of India — Article 32 — Constructive res judicata — Applicability — Dismissal in limine of earlier writ petition by Supreme Court — Subsequent writ petition filed on the same subject-matter — Supreme Court's jurisdiction to entertain the subsequent petition not barred though its discretion may be inhibited by the dismissal in limine of the earlier petition (Per curiam)

(Para 22)

Per Khalid, J. (Supplementing)

Normally Supreme Court will be disinclined to entertain or to hear petitions raising identical points again where on an earlier occasion, the matter was heard and dismissed. Not that the Court has no jurisdiction to entertain such matters, but would normally exercise its discretion against it.

(Para 27)

Constitution of India — Article 32 — Representative petition — Non-joinder of some affected parties — Statutory provision and Government action affecting a class of persons challenged by some members of the class — Relief of general nature claimed against State and not against any individual party —

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Held, mere failure to implead all affected parties not a bar to the maintainability of the petition in the circumstances of the case

(Para 22)

Constitution of India — Article 14 — Choice of a date by Government for giving effect to a law made or action taken — Court would interfere if the choice is arbitrary

Whenever a law is made or whenever an action is taken, it has to be with effect from a certain date but it does not necessarily follow that the choice of the date is not open to scrutiny at all. If the choice of the date is made burdensome to some of those, the wrong done to whom is sought to be rectified by the law, it would certainly be open to the court to examine the choice of the date to find out whether it has resulted in any discrimination.

(Para 18)

Practice and Procedure — Affidavits — On behalf of State — Should be filed with sense of responsibility — Contradictory affidavits filed by the same officer — Such affidavits are unworthy of the spokesman of a Government and shows utter disregard for veracity

(Para 12)

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The Judgments of the Court were delivered by

CHINNAPPA REDDY, J. (*for himself, Eradi and Khalid, JJ.*)— Tossed about by the Executive, the Legislature and, we are sorry to say, by us (the Judiciary) too, and therefore, totally bewildered, several civil servants, employees of public sector corporations and teachers working under various local authorities are now before us wanting to know where they stand and to what justice and relief they are entitled. In February 1983, the Government of Andhra Pradesh decided to reduce the age of superannuation of its employees from 58 to 55 years. The Government also issued directives to local authorities and public corporations under its control to do likewise. The age of superannuation was in fact 55 years to begin with. But, earlier, in the year 1979, the Government of Andhra Pradesh had raised the age of superannuation to 58 years, presumably, because of the increased average human longevity in India, the better health and medical facilities available, the improved standard of living, the usefulness in service of experienced employees, the employment situation and potential, and such other relevant considerations. But in February 1983, the Government decided to reduce the age of superannuation. In order to give effect to their policy of reversal, i.e. the policy of reducing the age of superannuation from 58 to 55, the Government amended Rule 56(a) of the Fundamental Rules and Rule 231 of the Hyderabad Civil Services Rules by substituting the figure '55' for the figure '58' and by making a special provision that those who had already attained the age of 55 years and were continuing in service beyond that age on February 8, 1983 shall retire from service on the afternoon of February 28, 1983. The notifications by which these amendments were carried out were followed by another notification dated February 17, 1983 deleting the proviso to Rule 2

of the Fundamental Rules which protected a civil servant against a change of his conditions of service to his detriment after he entered service. This was followed by the promulgation of the Andhra Pradesh Ordinance 5 of 1983 regulating the recruitment and conditions of service of persons appointed to public service and posts in connection with the affairs of the State of Andhra Pradesh and the officers and servants of the High Court of Andhra Pradesh. Clause 10 of the Ordinance provided that "every Government employee, not being a workman and not belonging to Last Grade Service shall retire from service in the afternoon of the last day of the month in which he attains the age of fifty-five years". In the case of Government employees

belonging to the Last Grade Service, it was provided that they shall retire from service on the afternoon of the last day of the month in which they attain the age of sixty years. Clause 18(1) provided that the proviso to Rule 2 of the Fundamental Rules shall be and shall be deemed always to have been omitted. Now immediately after the notifications reducing the age of superannuation from 58 to 55 were issued, a large number of Government employees, employees of public sector corporations and teachers working under various local authorities filed writ petitions in this Court as well as in the High Court of Andhra Pradesh challenging the vires of the provisions reducing the age of superannuation. After promulgation of the Ordinance, they were permitted to amend the petitions to question the appropriate provisions of the Ordinance too. The petitions in this Court were heard at great length for several days by Chandrachud, C.J., Pathak, J. and S. Mukharji, J. and judgment was reserved on July 27, 1983. The judgment was however pronounced only on January 18, 1985. The impugned provisions were upheld and all the writ petitions were dismissed. In the mean while much water had flown under the bridge. There were agitations and agreements. There were twists and turns of political power. There were amendments to the legislation, once more raising the age of superannuation. Learned counsel inform us that the subsequent events were brought to the notice of the Court and that a petition was also filed to amend the writ petitions and to raise additional grounds. The Court however refused to take notice of the subsequent events and proceeded to pronounce their judgment with reference to a situation which obtained several months ago and which situation stood considerably altered and had even become unreal by the subsequent march of events. It was a great pity. Much confusion and heart-burning might have been avoided, as we shall presently see.

2. It is now necessary to mention in greater detail the events that followed the reduction of the age of superannuation from 58 to 55 years. We referred to agitations and agreements. It appears that soon after the reduction of the age of superannuation, there

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was a State-wide agitation by affected employees and on August 3, 1983, an agreement was arrived at between the Government of Andhra Pradesh and the Action Committee of Employees and Workers in Andhra Pradesh.

3. Clause (1) of the agreement is important and may be usefully extracted. It is as follows:

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"All provisions relating to Ordinance 5 of 1983, except those relating to the age of superannuation, will be deleted at an early date. Proviso to FR 2 will be restored in respect of all matters, except the age of superannuation retrospectively. The provisions of the Ordinance relating to the age of superannuation will also be removed after the judgment of the Supreme Court, provided that such removal will not adversely affect the right of Government as determined by the Supreme Court judgment to fix the age of superannuation.

If the Supreme Court upholds the power of the Government to reduce the age of superannuation without referring to the provisions in the Ordinance and FR 2, the entire Ordinance will be scrapped and FR 2 will be restored."

This clause of the agreement shows that while the Government was anxious to obtain a judgment of the Supreme Court securing their right to "fix the age of superannuation", they had also realised that grave wrong and injustice had been done to its employees by their earlier action in reducing the age of superannuation. They were anxious to undo the wrong and do justice to their employees, while preserving their own power to act in the future, if and when necessary. That apparently was the reason why the Government agreed to scrap the whole of the Ordinance if the Supreme Court upheld the power of the Government to reduce the age of superannuation and further agreed to delete provision relating to the age of superannuation in the Ordinance, after the judgment of the Supreme Court was pronounced. Clause (1) of the agreement expressly provides that proviso to FR 2 will be restored in respect of all matters, except the age of superannuation retrospectively. It is then followed by the sentence: "The provisions of the Ordinance relating to the age of superannuation will also be removed after the judgment of the Supreme Court." The clear implication appears to be that the provisions of the Ordinance relating to the age of superannuation will also be removed in the same manner as the proviso to Fundamental Rule 2 i.e. retrospectively. Otherwise the agreement would make no sense. Those attaining the age of 55 years before judgment was pronounced would just have to walk out while those who did not would stay on. *Surely their fate was not to hang on a date.*

4. The agreement, however, contained a further curious stipulation that it was not to be placed before the Supreme Court either by the

Government or by the employees. Perhaps the stipulation was intended to prevent the Supreme Court from abstaining from pronouncing upon the power of the Government to reduce the age of superannuation. Quite obviously the agreement contemplated that the judgment of the Supreme Court would be forthcoming very soon. But that was not to be.

5. There was considerable discussion at the Bar whether the agreement contemplated and stipulated restoration of 58 years as the age of superannuation if the power of the Government to reduce the age of superannuation was upheld by the Supreme Court. The agreement appears to us to be clear and categorical and a reference to the pleadings demonstrates that the Government also never doubted the employees' interpretation of the agreement. In para 2(h) of the petition in Writ Petition 3420-26 of 1985, the petitioners asserted:

"It is pertinent to point out that in the interregnum between the writ petition being admitted in this Hon'ble Court and the judgment being delivered a State-wide agitation took place in Andhra Pradesh by the non-gazetted employees in the Andhra Pradesh State Government in June and July 1983. That agitation was for the purpose of demanding inter alia that the retirement age of the State Government employees be restored to 58 years. Ultimately, on August 3, 1983, an agreement was arrived at between the State Government and the Action Committee of the Employees and Workers in Andhra Pradesh by which it was agreed the State Government would restore the age of retirement to 58 years if the Supreme Court upheld the State Government's power to reduce the age of retirement. The said agreement which was a detailed agreement was entered into between the State of A.P. on behalf of whom the negotiations were conducted by the then Chief Secretary, Shri G.V. Ramakrishna, I.A.S. and the Action Committee of the Employees and Workers, which Action Committee represented 39 service organisations."

To this the answer of the Government in their counter was:

"I state with respect to para 2 that this paragraph deals with narration of facts regarding the circumstance under which the age of retirement was enhanced and the recommendations of the Pay Revision Commission etc. Hence they require no comments. It is respectfully submitted that all these relevant facts have been taken into consideration by the Supreme Court while rendering the judgment upholding GOMs. No. 36 dated February 8, 1983. In its judgment since reported in

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(1985) 1 SCC 523. Hence there is no necessity to traverse those facts once again herein."

and

"I further state that it is not proper for the petitioner to have filed the agreement reached between the Employees' Union and the State of Andhra Pradesh as Annexure to the writ petition. Under the last clause of the agreement reached between the Employees' Union and the State of Andhra Pradesh that the agreement shall not be placed before the Supreme Court by the Government or the members of the employees' associations (*sic*). Contrary to the provisions of the agreement the petitioners have chosen to file this agreement in support of their case and pleaded for enhancement of the age of retirement."

The Government's objection was not to the interpretation placed upon the agreement by the parties but to its being brought to the notice of the Court.

6. The Andhra Pradesh Legislature enacted the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act 23 of 1984 making it applicable to all persons appointed to public services and posts in connection with the affairs of the State, all officers and other employees working in any local authority, whose salaries and allowances were paid out of the Consolidated Fund of the State, all persons appointed to the Secretariat staff of the Houses of the State Legislature : and all officers or employees whose conditions of service were regulated by rules framed under the proviso to Article 309 of the Constitution immediately before the commencement of this Act. Sub-section (3) of Section 1 stated "clause (f) of Section 7 shall be deemed to have come into force on April 29, 1983 (*sic* 1969)". Section 3(1) and (2) were as follows:

"3. (1) Every government employee, not being a workman and not belonging to Last Grade Service shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-five years.

(2) Every government employee not being a workman but belonging to the Last Grade Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years."

Explanation II(b) to Section 3 was to the following effect:

"(b) a government employee who attained the age of superannuation but who was allowed to continue to hold the post

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beyond that date, by virtue of a stay order of a court, shall be deemed to have ceased to hold the post and relieved of his charge from the date of the judgment dismissing his petition, irrespective of whether the charge of the post was handed over or not as prescribed in any rule or order of the Government for the time being in force."

On August 23, 1984, the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act 23 of 1984 was amended by the promulgation of Andhra Pradesh Ordinance 24 of 1984 providing that in Section 3(1) of the Act and in Explanation II(a), the words "fifty-eight years" shall be substituted for the words "fifty-five years". This was obviously done to give effect to the agreement of August 3, 1983 and to fulfil the promise held out therein that the age of superannuation would be restored to 58 years. Clause 3(1) of the Ordinance is the much disputed provision and it has therefore, to be extracted in full. It is as follows:

"3(1) The provisions of this Ordinance shall not apply to persons who attained the age of superannuation in pursuance of the notifications issued in GOMs. No. 36, Finance and Planning (Finance Wing-FR I) Department, dated February 8, 1983, or in pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, as in force prior to the commencement of this Ordinance."

Andhra Pradesh Ordinance 24 of 1984 was replaced by Act 3 of 1985. By Section 2 of the Amending Act, the words "fifty-five years" were substituted by the words "fifty-eight years" in Section 3(1) and Explanation II(a) of the principal Act. Section 4 of the Amending Act which is more or less on the same lines as clause 3(1) of the Ordinance says:

"4. (1) The provisions of Section 2 of this Act shall not apply to persons who attained the age of superannuation in pursuance of the notifications issued in GOMs. No. 36, Finance and Planning (Finance Wing-FR I) Department, dated February 8, 1983, or in pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, as in force prior to the commencement of this Act."

7. No explanatory statement accompanying Ordinance 23 of 1984 was brought to our notice. The Statement of Objects and Reasons of Act 3 of 1985 was however placed before us but it is not helpful to ascertain the reasons which led the Legislature to restore the age of superannuation to 58 years. It merely states that "the Government

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considered it necessary to raise the age of superannuation from 55 to 58 years". But we are not altogether helpless. Where internal aids

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are not forthcoming, we can always have recourse to external aids to discover the object of the legislation. External aids are not ruled out. This is now a well settled principle of modern statutory construction. Thus "Enacting History" is relevant: "The enacting history of an Act is the surrounding corpus of public knowledge relative to its introduction into Parliament as a Bill, and subsequent progress through, and ultimate passing by, Parliament. In particular it is the extrinsic material assumed to be within the contemplation of Parliament when it passed the Act". Again "In the period immediately following its enactment, the history of how an enactment is understood forms part of the contemporanea expositio, and may be held to throw light on the legislative intention. The later history may, under the doctrine that an Act is always speaking, indicate how the enactment is regarded in the light of development from time to time". "Official statements by the government department administering an Act, or by any other authority concerned with the Act, may be taken into account as persuasive authority on the meaning of its provision." Justice may be blind but it is not to be deaf. *Judges are not to sit in sound-proof rooms.*

8. Committee reports, parliamentary debates, policy statements and public utterances of official spokesmen are of relevance in statutory interpretation. But "the comity, the courtesy and respect that ought to prevail between the two prime organs of the State, the Legislature and the Judiciary", require the courts to make skilled evaluation of the extra-textual material placed before it and exclude the essentially unreliable. "Nevertheless the court, as master of its own procedure, retains a residuary right to admit them where, in rare cases, the need to carry out the Legislature's intention appears to the court so to require." "No rule prevents the court from inspecting in private whatever materials it thinks fit to ensure that it is well informed, whether in relation to the case before it or generally. Where these materials constitute publicly available enacting history, the court takes judicial notice of them." "The court has an inherent power to inspect any material brought before it."² This is to enable the court to determine whether the material is relevant to the point of construction in question, and if so whether it should be admitted. This has to be done with a degree of inhibition and an amount of circumspection.

9. Here, the facts speak for themselves. *Res ipsa loquitur*. The

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history and the succession of events, the initial lowering of the age of the superannuation, the agitation consequent upon it and the agreement that followed the agitation clearly indicate that the object of Ordinance 23 of 1984 and Act 3 of 1985 was to undo the mischief

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or the harm that had been done by the lowering of the age of superannuation from 58 years to 55 years and to restore the previous position. Quite obviously, it was not a case of change of policy consequent on change of social circumstances. It was a case of a change of policy to set right immediately a recent wrong perpetrated by a well intentioned but perhaps ill-thought measure. It was not at all a case of reversal of policy because of changed circumstances. A reference to the note file which was made available to us by the learned Advocate-General of Andhra Pradesh at our instance shows that it was after a careful consideration of the representations made by the various services associations in regard to the restoration of the age of superannuation to 58 years that the Government resolved to restore the age of superannuation to 58 years. In the counter, the Government appeared to take the stand that the Governments of the States of Karnataka and Rajasthan had raised the age of superannuation to 58 years and the Government of Andhra Pradesh wanted to fall in line. It was a wholly inaccurate statement. There is no reference in the note file or elsewhere, except for the first time in the counter, to the circumstance that two other State Governments had raised the age of superannuation and the Andhra Pradesh Government had accepted their wisdom. The statement in the counter must be ignored. A reference to the pleadings is revealing, if not startling. In Writ Petition 3420-3426 of 1985 in para 5, the petitioner averred:

"In fact Shri N.T. Rama Rao, Chief Minister himself admitted that he was misguided and misled by the then Finance Minister and the Chief Secretary when his Government took the decision to reduce the age of retirement. His press conference dated September 25, 1984 was reported in the 'Deccan Chronicle' as follows:

'Chief Minister N.T. Rama Rao today announced that his Government would retain the age of superannuation of the Government employees at 58 years as decided by the short-lived Bhaskara Rao Ministry.

Briefing newsmen after the Cabinet meeting this afternoon, Mr Rama Rao said the Cabinet had reviewed the decision of the previous Government to raise the age of superannuation from 55

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years to 58 with effect from August 23, 1984.

The Chief Minister charged that Mr N. Bhaskara Rao, the then Finance Minister and the then Chief Secretary, Mr B.N. Raman had misled him when his Government decided to reduce the age of superannuation from 58 to 55. Both have not raised any objection to the proposal. Despite

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knowing well that the "unpopular" move would be detrimental to the Government, they had allowed it go with the evil intention of discrediting him, he alleged.

Mr Rama Rao said it was not his intention to hurt the interests of any section of the people and the Government employees constituting a sizeable number who had voted his party to power. "However it is not possible for the Government to concede the request of those who had already retired", he observed.

The said report has never been denied or resiled by the Chief Minister.

In answer, the averment was not denied. The deponent of the counter-affidavit stated:

"I state with respect to para 5 that it is not open to the petitioner to rely on paper cuttings in support of their contention unless otherwise they are proved apart from the fact that the statement in paper cuttings are in no way advance the case of the petitioner."

This can hardly be considered to be a denial of what was said in para 5 of the petition. We must therefore, proceed on the basis that the Chief Minister (Shri N.T. Rama Rao) did allege that when the Government took the decision to reduce the age of superannuation, he was, "misguided and misled" by his Finance Minister and the Chief Secretary. It may be a sorry confession to make on the part of a Chief Minister, especially when it was a momentous decision involving the lives and future of thousands of employees. One wonders how a decision concerning the lives and the future of civil servants, who all their lives in the past, had loyally served the Government, could have been taken in such a hasty and haphazard fashion. One would expect such a decision to be taken after a full investigation into the multitudinous pros and cons, after collection of all pertinent data and after deep consideration of every aspect of the question. But there we have a statement attributed to the Chief Minister that he was "misled and misguided" by the Finance Minister and his Chief Secretary. Sorry confession, it may be, but a frank and courageous admission it was, exposing him to criticism. It does require a sturdy spirit to own a

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mistake.

10. During the pendency of the writ petitions in this Court, several employees of local authorities etc. obtained orders of stay from the High Court and were continuing in service on the dates when the Judgment of the Supreme Court was pronounced. After the pronouncement of the judgment of the Supreme Court, the authorities

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that be have sought to give effect to the provisions of the Act and the Ordinance by seeking to throw them out on the ground that they had completed 55 years of age during the interregnum between February 28, 1983 and August 23, 1984. Some others who had completed 55 years between February 28, 1983 and August 23, 1984 but who had not completed 58 years sought re-entry notwithstanding the raising of the age of superannuation from 55 years to 58 years. Their re-entry was sought to be resisted on the basis of Clause 3(1) of the Ordinance and Section 4(1) of the Amending Act. Those employees who were sought to be removed from service or who were denied re-entry into service on the ground that they had attained the age of 55 years between February 28, 1983 and August 23, 1984, have once again invoked the jurisdiction of this Court and sought appropriate writs from this Court to continue or to reinstate and continue them in service until they attain the age of 58 years. They are the petitioners in Writ Petitions 3203, 3413-3419, 3420-3426 etc., etc. of 1985. They sought interim orders from this Court.

11. On April 23, 1985 interim directions to the following effect were issued by Desai and Khalid, JJ.:

"(1) From amongst those government servants and servants of local and other authorities governed by the decision of the Government of A.P. on reduction of age of retirement from service from 58 years to 55 years, who continued in service or continued to hold the post on April 1, 1985 for any reason including the grant of interim relief by courts and who are removed from that post after that date shall be reinducted and put back in the post from where he/she was removed.

(2) Those government servants and others enumerated in No. (1) here and who are today in service and are likely to be removed on account of the reduction in age of superannuation notwithstanding restoration of higher age, whatever be the case, shall continue in service till further orders.

(3) Those government servants and others enumerated in No. (1)

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here who were in service prior to April 1, 1985 and who are removed from service on account of reduction in age, shall be reinducted in service, if the posts from each (s/c which) one was removed is still vacant or someone is holding a temporary charge.

(4) These directions shall be carried out and given effect to within one week from today.

(5) These directions will also cover those government servants who are similarly situated but have not filed the SLPs and WPs.

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(6) government servants referred to in No. (1) will also comprehend members of State Judicial Service."

The matter was mentioned again on two occasions for clarification and the following orders were then made by Tulzapurkar, Desai and Sen, JJ.

The orders made on May 6, 1985 said:

"We do not see any ambiguity in clause 3 of the Order dated April 23, 1985. It is directed that clause 3 of the order dated April 23, 1985 should be implemented to the extent that promotions made to the posts which are held by the officers will be made under Rule 37 by temporary appointments and the Chief Secretary and other two Senior Secretaries will examine the question as to how many such vacancies could be filled and it is further directed that from out of the petitioners one who has the longest service will be selected. The order will be carried out within two weeks from today. This is without prejudice to the vacancy clause. All those appointments will be subject to the result of these petitions."

The order made on May 7, 1985 said:

"We do not see any ambiguity in clause 3 of the order dated April 23, 1985. It is directed that clause 3 of the order dated April 23, 1985 should be implemented to the extent that the posts from which the employees were moved are still vacant or where such post is held temporarily by others on promotion under Rule 37 of the A.P. States Subordinate Service Rules. The Chief Secretary and two other Senior Secretaries will examine the question as to how many such posts could be filled and it is further directed that in cases where more than one person has retired from a post, the person having the longest service should be selected. The order will be carried out within two weeks from today. All these appointments will be subject to the result of the petitions."

These interim orders were made under the misapprehension that all so-called promotions could only be made under Rule 37 whereas whenever a promotion was made from a lower service to a higher service, it was not called a promotion but was styled as an appointment and was made under Rule 10. Since Rule 10 was not mentioned in the orders, persons who had been "promoted" and appointed under Rule 10 claimed that they could not be displaced. Some others though promoted under Rule 37 claimed that they had in fact been promoted regularly after a proper selection by the Departmental Promotion Committee but that according to the practice prevailing in Andhra Pradesh, their orders of promotion mentioned that they were promoted temporarily, though in fact they had been promoted regularly. Many

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such persons, claiming to have been appointed under Rule 10 or claiming to have been promoted regularly notwithstanding the mention of Rule 37, filed Writ Petitions Nos. 5447-5546 of 1985 etc., etc. questioning the orders of reversion with which they were faced consequent on the interim directions given by Desai and Khalid, JJ. During the vacation, R.B. Misra, J. stayed the orders of reversion passed by the Government in order to reinduct the retired employees. The interim orders granted by R.B. Misra, J. appeared to conflict with the earlier interim orders granted by this Court. When all the interim applications came before us a few days back, we directed that all the writ petitions may be placed before us for final disposal and that is how the matters are now before us.

12. Before referring to the submissions of the parties on the principal question of discrimination and arbitrariness, it is necessary to ascertain the exact factual situation in regard to certain other matters, besides those to which we have already referred. First, in regard to the question whether the vacancies arising consequent on the application of the reduced age of superannuation have been filled and and if filled, whether they have been filled on a regular or temporary basis? In Writ Petition 3170 of 1985, a Deputy Secretary to the Government of Andhra Pradesh speaking for the Government of Andhra Pradesh, swore to a counter-affidavit in May 1985 in which he stated that:

"I state with respect to para 8, that it is not correct to state that only few vacancies have been filled on temporary basis on the specific condition of review and revision on the basis of outcome of the judgment in the writ petitions filed by the employees due to the retirement at the age of 55 years pending in this Hon'ble Court. It is

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submitted that it is wholly untrue to say that few vacancies have been filled up. Consequent on the reduction in the age of superannuation the Government took every step to see that most of the vacancies have been filled up in accordance with rules on regular basis. It is only in few cases, temporary promotions have been effected pending writ petitions. It is submitted that Annexure I to this counter-affidavit gives particulars regarding the vacancies that arose due to the reduction in the age of retirement on February 28, 1983 and the vacancies filled up and the vacancies existing. There are very few vacancies in the lower echelons. I also submit that the existing few vacancies are due to administrative delay, or vacancies that arose latter after originally filling the vacancies."

In Writ Petitions 5447-5546 of 1985, there was a complete volte-face and the very same Deputy Secretary speaking again for the Govern-

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ment of Andhra Pradesh said:

"Insofar as the first point is concerned in none of the cases there were regular promotions. All the promotions were officiating/temporary/ad hoc which would be clear from orders of promotion, some of which have been produced by the petitioners themselves. The promotions were either subject to the result of the writ petitions then pending in this Honourable Court challenging reduction of retirement age from 58 to 55 years, Or some other proceedings relating to inter se seniority pending either in this Honourable Court or in the High Court or in the Administrative Tribunal, Or because of the pendency of finalisation of seniority lists and consequent review of promotions under the States Reorganisation Act. Further the writ petitions questioning the reduction of age of retirement from 58 to 55 in GOMs No. 36, dated February 8, 1983 were heard and judgment was reserved on July 27, 1983. Since the judgment was reserved, the judgment was expected at any moment. Hence the Government were making only officiating/temporary promotions under Rule 37. Under the circumstances it was not possible to make regular appointments/promotions. Therefore, the petitioners were rightly reverted in accordance with the directions of the Honourable Court dated May 6, 1985 and May 7, 1985. There was no question of either giving them any notice or hearing before the orders of the reversion are passed, as in terms of Rule 37(dd), they could be reverted without any notice or hearing.

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Persons holding the posts under Rule 10 have no right to the posts and the appointments/promotions were purely temporary/ad hoc.

Hence, I state that the petitioners continue to be ad hoc promotees under Rule 37 and not regular employees as claimed by them."

and:

"Admittedly, the petitioners were promoted under Rule 37 consequent to the vacancies which arose due to the retirement of several persons at the age of 55 years.

The Government never intended to appoint them on regular basis pending writs and judgment before the Supreme Court. In case the promotions were effected regularly legal complications will set in in the event of the judgment of the Supreme Court going against the State Government deliberately made Rule 37 promotions so that in the event of the judgment going adversely against the State Government, there may not be any difficulty

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in reverting Rule 37 promotees and reinducting the employees affecting by GOMs. No. 36 dated February 8, 1983. Fortunately, the judgment of the Supreme Court comes in favour of the State Government."

It is amazing that the same Deputy Secretary to the Government, representing the same Government, should have sworn to two such contradictory affidavits. It reveals a total sense of irresponsibility and an utter disregard for veracity. It shows that the deponent had signed the affidavits without even reading them or that he signed them to suit the defence to the particular writ petition without any regard for truth. In either case, it is reprehensible and totally unworthy of the spokesman of a Government and most unflattering to the Government on whose behalf he spoke. We would have contemplated severe action against the deponent, had we not the feeling that the responsibility for his statements lies with undisclosed higher echelons and we need not make a scapegoat of him. In fact, in a case like this involving the entire body of government servants in Andhra Pradesh, we would have expected the Chief Secretary or a Principal Secretary to file the counter. But they have chosen to keep themselves back.

13. However we have a duty to discover the truth. We think that the truth is what is stated in the counter-affidavit in Writ Petitions 5447-5546 of 1985. The counter-affidavit itself gives good reasons why the promotions/appointments were made on a temporary basis and the

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reasons are acceptable. The statements in the counter-affidavit in Writ Petitions 5447-5546 of 1985 are supported by the findings of the Committee which was appointed by the Government under the interim orders of this Court. The Committee consisted of the Chief Secretary and two Senior Secretaries and it was asked to examine the question of the availability of posts for reinduction of retired employees. The findings of the Committee were mentioned in the counter-affidavit in Writ Petitions 5447-5546 of 1985 and this is what was said:

"The Committee constituted under GOMs No. 205, dated May 9, 1985 has completed its task of determining the number of vacancies for which retired employees can be reinducted as per the directions of this Honourable Court. Here below is given an abstract of the position as emerged. Total number of persons retired from February 28, 1983 to August 23, 1984 due to reduction of age of retirement from 58 to 55 is 15,529. Of these people, 8928 are eligible for reinduction as they are below 58 years. The Committee found that 2770 posts are vacant and that 1751 persons have to be reverted as they were holding the posts on temporary promotions under Rule 37. Thus, the total number of vacancies to which retired persons could be reinducted was 4521.

14. It was said that it was a practice in the State of Andhra Pradesh to make even regular appointments and regular promotions under Rule 10 and Rule 37 only and therefore, the mere fact that Rule 10 or Rule 37 was mentioned in an order of appointment or promotion would not necessarily make the appointment or promotion temporary. Such appointments or promotions, if made after going through the regular process or selection were to be considered as regular and not temporary notwithstanding the mention of Rule 10 or Rule 37. But here as pointed out in the counter, there was a special situation immediately after the age of superannuation was reduced, writ petitions were filed in the Supreme Court and in the High Court and there was considerable agitation by the employees. The entire situation was fluid as it were and there was good reason for the Government to make the appointments and promotions on a purely temporary basis, and that was what they did. That the Departmental Promotion Committees recommended the temporary appointments and promotions makes no difference since even temporary appointments and promotions are made on the recommendation of the Departmental Promotion

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Committee. This is clear from the counter-affidavit in Writ Petitions 5447-5546 of 1985 where it is stated as follows in paragraph IV-B:

"In certain cases, the promotions were given on the basis of the recommendations of the Departmental Promotion Committee but that does not mean that their promotions were regular. The Departmental Promotion Committee also makes recommendations for temporary appointments/ promotions otherwise it will offend Articles 14 and 16 in case all eligible candidates are not considered for promotion even though the promotions are either officiating/temporary. Therefore, the mere selection by the Departmental Promotion Committee does not make their promotions regular. Promotion or posting after completion of training does not make the promotions regular. The promotion orders of the petitioners promoted under Rule 37 clearly show that their promotions were purely temporary."

15. It is in this setting and background of facts that we are required to consider the submissions made to us. The submission made by Sarvasri, K.K. Venugopal, V.M. Tarkunde and F.S. Nariman, who appeared for the employees who attained the age of 55 years between February 28, 1983 and August 23, 1984, was that the classification of these persons as a separate group for the purpose of excluding them from the benefit of the redressal of the wrong done to the employees and the relief given to them by the amending Ordinance and the Act, was an unreasonable classification having no nexus whatever with the object of the legislation. They urged that every person who was in Government employment on February 28, 1983 was hit by the

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reduction of the age of superannuation from 58 to 55 years and when it was realised that a grievous wrong had been done which it was necessary to set right by reversing the policy and such a policy decision was in fact soon taken, there was no reason to postpone effect being given to the reversal of policy to an uncertain date, namely, the pronouncement of the judgment by the Supreme Court and thereby to exclude from the benefits of the change of policy that group of persons who had the misfortune of attaining the age of 55 years between the two dates. The learned counsel pointed out that the decision to reverse the policy having been taken, the uncertain date of pronouncement of judgment was an irrelevancy in fixing the date from which to give effect to the policy. In the event, the Government also did not await the pronouncement of the judgment but came forward first with the Ordinance and then with the Act. Therefore, the learned counsel urged,

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by merely giving them the appellation "retirees" as the Government had done in this case, the group of persons who had attained the age of 55 years before the delayed date of giving effect to the reversal of policy could not be discriminated against. The question according to the learned counsel, was not one of retrospectivity at all, but one whether when making a legislation to right a wrong or remedy a mischief, a group of persons who had also been wronged and suffered the mischief could be excluded by the mere mechanics of delayed legislation. Shri Venugopal further submitted that several persons who were continuing in service by virtue of orders of stay obtained from the High Court, were also sought to be sent away by the Government on the ground that had they not obtained the orders of stay, they would have retired from service on having attained the age of 55 years. This he urged was patently unreasonable. On the other hand, it was urged by the learned Advocate-General of Andhra Pradesh, who appeared for the Government of Andhra Pradesh, Shri Shanti Bhushan, Shri Govindan Nair, Shri Parmeshwar Rao, Shri H.S. Gururaj Rao and Shri Kanta Rao, learned counsel who appeared for the officers who were promoted in the vacancies created by the retirement of those who had attained the age of 55 years, that there was no discrimination whatever and that what the Government had done was merely to classify those employees who had ceased to be in service or who should have ceased to be in service and refused to apply the increased age of superannuation to them. It was said that having gone out of service, there was no question of their being eligible to the increased age of superannuation and therefore, the classification was perfectly reasonable. It was also urged that appointments and promotions were made subsequent to the reduction of the age of superannuation on regular basis and those appointments and promotions could not be disturbed. We were told that interference by us at this stage would

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lead to administrative disorder, disaster and chaos. We would like to mention here that the learned Advocate-General of Andhra Pradesh as well as the other learned counsel who appeared on either side presented their respective points of view very fairly and with moderation. The task of the learned Advocate-General was particularly difficult as he stood between the devil and the deep sea as it were.

16. A situation such as the one before us had never presented itself to the Court previously. Make this case a precedent for justice say one side; let this not be the first say the other. We have had cases where

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the age of superannuation had been raised from 55 to 58 years; we have had cases where having earlier raised the age of superannuation from 55 to 58 years, there was later a change of policy and the age of superannuation was once again reduced to 55 years. But this is the first occasion — neither our researches nor those of the learned counsel have been able to trace another case of this kind — where the age of superannuation was first raised from 55 to 58 years, there was then a change of policy a few years later reducing the age of superannuation from 58 to 55 years and finally there was again, within a few months, a reversion to the higher age of superannuation of 58 years. The cases of *Bishun Narain Mishra v. State of U.P.*² and *K. Nagaraj v. State of A.P.*¹ belong to the second category of cases. In *Bishun Narain Mishra case*² by a notification dated November 27, 1957 the Government of Uttar Pradesh raised the age of superannuation from 55 to 58 years. On May 25, 1961 the Government reduced the age once again to 55 years, and further laid down that those who had continued beyond the age of 55 years owing to the earlier notification would be deemed to have been retained in service beyond the age of superannuation and would be compulsorily retired on December 31, 1961. The appellant who attained the age of 55 years on December 11, 1960 and was continued in service was one of those who were retired on December 31, 1961. He questioned the change in the rule of retirement on the ground that it was hit by Article 14 inasmuch as it resulted in inequality between public servants in the matter of retirement. The argument was that when all those who had passed 55 years were asked to retire on December 31, 1960 some had just completed 55, some were 56, some were 57 and so on and, therefore, there was discrimination. Dealing with this question, Wanchoo, J. speaking for the Court observed:

"The last argument that has been urged is that the new rule is discriminatory as different public servants have in effect been retired at different ages. We see no force in this contention

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either, retirement, namely, December 31, 1961 in the case of all public servants and fixes the age of retirement at 55 years. There is no discrimination in the rule itself. It is however urged that the second notification by which all public servants above the age of 55 years were required to retire on December 31, 1961 except those few who completed the age of 58 years between May 25, 1961 and December 31, 1961 shows that various public servants were retired at various ages ranging from 55 years and one day to up to 58 years. That certainly is the effect of the second order. But it is remarkable that the

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order also fixed the same date of retirement namely December 31, 1961, in the case of all public servants who had completed the age of 55 years but not the age of 58 years before December 31, 1961. In this respect also, therefore, there was no discrimination and all public servants who had completed the age of 55 years which was being introduced as the age of superannuation by the new rule by way of reduction were ordered to retire on the same date, namely, December 31, 1961. The result of this seems to be that the affected public servants retired at different ages. But this was not because they retired at different ages but because their services were retained for different periods after the age of fifty-five. Now it cannot be urged that if Government decides to retain the services of some public servants after the age of retirement it must retain every public servant for the same length of time. The retention of public servants after the period of retirement depends upon their efficiency and the exigencies of public service, and in the present case the difference in the period of retention has arisen on account of exigencies of public service. We are, therefore, of opinion that the second notification of May 25, 1961 on which reliance is placed to prove discrimination is really not discriminatory, for it has treated all public servants alike and fixed December 31, 1961 as the date of retirement for those who had completed 55 years but not 58 years up to December 31, 1961. The challenge therefore, to the two notifications on the basis of Article 14 must fail."

17. The situation which was considered in *Bishun Narain case*¹ was exactly the identical situation which obtained on February 28, 1983 in the present case and precisely the situation which was considered by the judgment pronounced on January 18, 1985 and which is reported in AIR 1985 SC 551 [(1985) 1 SCC 523] as *K. Nagaraj v. State of A.P.*¹ the very judgment the delay in pronouncing which is said to have led to this confusion. Neither in *Bishun Narain Mishra case*² nor in *Nagaraj case*¹ had the Court occasion to consider the further step that had been taken in the present case, namely, once again

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raising the age of superannuation to 58 years and the exclusion of a class of persons from its benefit. Both the cases are therefore plainly distinguishable and are of no assistance to us in solving the problem before us.

18. Another case on which reliance was placed by the learned counsel appearing for the respondents in Writ Petitions 3203, 3413-3419, 3420-3426 etc., etc. of 1985 was *State of Assam v. Padma Ram*

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Borah. In that case a government servant who was due to retire from service on and from January 1, 1961, was suspended from service on December 22, 1960, pending a departmental inquiry. His services were extended till March 31, 1961. The departmental inquiry was, however, not concluded even by then. So on May 9, 1961, the Government passed an order extending his services for a period of 3 months with effect from April 1, 1961. This Court held that the Government had no jurisdiction to extend the services of a government servant, after he had retired from service, merely for the purpose of continuing the departmental inquiry. Rule 56 of the Departmental Rules did not authorise such a course. It is difficult to see how this case can possibly assist the respondents in Writ Petitions 3203, 3413-3419, 3420-3426 etc., etc. of 1985. It is one thing to say that the Executive Government has no power to pass an order extending the service of a government servant after he has retired from service; it is altogether a different thing to say that the State while making a law raising the age of superannuation cannot make an unreasonable classification to exclude some government servants from the benefit of the increased age of superannuation. The classification must pass the dual test of being reasonable and related to the object of the legislation, besides not being arbitrary. It is not open to the State to make an arbitrary classification first by making the date dependent on an uncertain event, namely, the date of pronouncement of judgment by the Supreme Court and next by making a legislation excluding persons who had attained the age of 55 years before the legislation took effect though the legislation itself was designed to undo the wrong already done to the very Government employees. Some other cases were also cited before us to illustrate the point that it was open to the Legislature and the Executive to choose a "cut-off" date for bringing into force laws such as Land Reform Laws etc. It is true that whenever a law is made or whenever an action is taken, it has to be with effect from a certain date but it does not necessarily follow that the choice of the date is not open to scrutiny at all. If the choice of the date is made burdensome to some of those, the wrong done to whom is sought to be rectified by the law, it would certainly be open to the court to

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examine the choice of the date to find out whether it has resulted in any discrimination.

19. We think that the one case which is really of assistance to us in this matter is the recent decision of the Constitution Bench in *D.S.*

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*Nakara v. Union of India*¹. We propose not merely to quote extensively from *Nakara case*² not merely to adopt the principles therein laid down but also to employ the very techniques applied there to solve the problem. The question arose there whether, for the purpose of application of the liberalised pension rules, the Government of India could stipulate March 31, 1979 as the date for dividing Government employees into two classes : one class who had retired before March 31, 1979 who would not be entitled to the benefits of the liberalised pension rules and the other class who retired after March 31, 1979 who would be entitled to such benefits. The submission was that the differential treatment accorded to those who had retired prior to the specified date was violative of Article 14 as the choice of the date was arbitrary and the classification based on the fortuitous circumstance of retirement before or subsequent to the specified date was invalid. This submission was accepted by the Constitution Bench. Justice D.A. Desai speaking for unanimous Court, considered the question at great length in all its implications. First, considering the scope of Article 14, it was observed : (SCC pp. 315-16, paras 11 & 13)

"The decisions clearly lay down that though Article 14 forbids class legislation, it does not forbid reasonable classification for the purpose of legislation. In order, however, to pass the test of permissible classification, two conditions must be fulfilled viz. (i) that the classification must be founded on an intelligible differential which distinguishes persons or things that are grouped together from those that are left out of the group; and (ii) that that differential must have a rational relation to the objects sought to be achieved by the statute in question....

The other facet of Article 14 which must be remembered is that it eschews arbitrariness in any form. Article 14 has, therefore, not to be held identical with the doctrine of classification."

Thereafter the Court posed the question : (SCC p. 318, para 16)

"As a corollary to this well established proposition, the next question is, on whom the burden lies to affirmatively establish the rational principle on which the classification is founded correlated to the object sought to be achieved?"

The question was answered and it was said : (SCC p. 318, para 16)

"The State, therefore, would have to affirmatively satisfy the Court that the twin tests have been satisfied. It can only be satisfied if the

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State establishes not only the rational principle on which classification is founded but correlate it to the objects sought to be achieved."

The submission made by the learned Attorney-General on behalf of the Union of India was summarised : (SCC p. 319, para 17)

"Thus according to the respondents, pensioners who retire from Central Government service and are governed by the relevant pension rules all do not form a class but pensioners who retire prior to a certain date and those who retire subsequent to a certain date form distinct and separate classes. It may be made clear that the date of retirement of each individual pensioner is not suggested as a criterion for classification as that would lead to an absurd result, because in that event every pensioner relevant to his date of retirement will form a class unto himself. What is suggested is that when a pension scheme undergoes a revision and is enforced effective from a certain date, the date so specified becomes a sort of a rubicon and those who retire prior to that date form one class and those who retire on a subsequent date form a distinct and separate class and no one can cross the rubicon."

The Court then proceeded to consider the questions : what is a pension? and why a liberalised pension scheme? After answering these questions, the Court referred to some of the very arguments now advanced before us that the date is an integral part of the scheme and so not severable from the scheme at all and that the Court should not usurp legislative functions. The learned Attorney-General's argument on these questions was : (SCC p. 329, para 40)

"The learned Attorney-General contended that the scheme is one whole and that the date is an integral part of the scheme and the Government would have never enforced the scheme devoid of the date and the date is not severable from the scheme as a whole. Contended the learned Attorney-General that the Court does not take upon itself the function of legislation for persons, things or situations omitted by the legislature. It was said that when the legislature has expressly defined the class with clarity and precision to which the legislation applies, it would be outside the judicial function to enlarge the class and to do so is not to interpret but to legislate which is the forbidden field. Alternatively it was also contended that where a larger class comprising two smaller classes is covered by a legislation of which one part is constitutional,

the Court examines whether the legislation must be invalidated as a

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whole or only in respect of the unconstitutional part. It was also said that severance always cuts down the scope of legislation but can never enlarge it and in the present case the scheme as it stands would not cover pensioners such as the petitioners and if by severance an attempt is made to include them in the scheme it is not cutting down the class or the scope but enlarge the ambit of the scheme which is impermissible even under the doctrine of severability. In this context it was lastly submitted that there is not a single case in India or elsewhere where the Court has included some category within the scope of provisions of a law to maintain its constitutionality."

Proceeding then to meet the submission of the learned Attorney-General, Desai, J. said : (SCC pp. 330-31, para 42)

"If it appears to be undisputable, as it does to us that the pensioners for the purpose of pension benefits form a class, would its upward revision permit a homogeneous class to be divided by arbitrarily fixing an eligibility criteria unrelated to purpose of revision, and would such classification be founded on some rational principle? The classification has to be based, as is well settled, on some rational principle and the rational principle must have nexus to the objects sought to be achieved. We have set out the objects underlying the payment of pension. If the State considered it necessary to liberalise the pension scheme, we find no rational principle behind it for granting these benefits only to those who retired subsequent to that date simultaneously denying the same to those who retired prior to that date. If the liberalisation was considered necessary for augmenting social security in old age to government servants then those who retired earlier cannot be worst off than those who retire later. Therefore, this division which classified pensioners into two classes is not based on any rational principle and if the rational principle is the one of dividing pensioners with a view to giving something more to persons otherwise equally placed, it would be discriminatory. To illustrate, take two persons, one retired just a day prior and another a day just succeeding the specified date. Both were in the same pay bracket, the average emolument was the same and both had put in equal number of years of service. How does a fortuitous circumstance of retiring a day earlier or a day later will permit totally unequal treatment in the matter of pension? One retiring a day earlier will have to be subject to ceiling of Rs 8100 p.a. and average emolument to be worked out on 36 months' salary while the other will have a ceiling of Rs 12,000 p.a. and average emolument will be computed on the basis of last

ten months' average. The artificial division stares into face and is unrelated to any principle and whatever principle, if there be any, has absolutely no nexus to the objects sought to be achieved by liberalising the pension scheme. In fact this arbitrary division has not only no nexus to the liberalised pension scheme but it is counter-productive and runs counter to the whole gamut of pension scheme. The equal treatment guaranteed in Article 14 is wholly violated inasmuch as the pension rules being statutory in character, since the specified date, the rules accord differential and discriminatory treatment to equals in the matter of commutation of pension. A 48 hours' difference in matter of retirement would have a traumatic effect. Division is thus both arbitrary and unprincipled. Therefore the classification does not stand the test of Article 14."

The Court then asked itself the question: "By our approach, are we making the scheme retroactive?" The answer was an emphatic "No". They said, (SCC p. 333, para 46)

"In other words, benefit of revised scale is not limited to those who enter service subsequent to the date fixed for introducing revised scales but the benefit is extended to all those in service prior to that date. This is just and fair. Now if pension as we view it, is some kind of retirement wages for past service, can it be denied to those who retired earlier, revised retirement benefits being available to future retirees only? Therefore, there is no substance in the contention that the Court by its approach would be making the scheme retroactive, because it is implicit in theory of wages."

The Court finally considered the favourite argument advanced against what some of the counsel who appeared before us described as judicial "tinkering" with legislative policy. The Court took the view that the State cannot say "Take it or leave it". If there are words in a statute which bring about discrimination, those words can be severed. They said : (SCC p. 335, para 50)

"There is nothing immutable about the choosing of an event as an eligibility criteria subsequent to a specified date. If the event is certain but its occurrence at a point of time is considered wholly irrelevant and arbitrarily selected having no rationale for selecting it and having an undesirable effect of dividing homogeneous class and of introducing the discrimination, the same can be easily severed and set aside. While examining the case under Article 14, the approach is not: 'either take it or leave it', the approach is removal of arbitrariness and if that can be brought about by severing the mischievous portion

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the court ought to remove the discriminatory part retaining the beneficial portion. The pensioners do not challenge the liberalised pension scheme. They seek the benefit of it. Their grievance is of the denial to them of the same by arbitrary introduction of words of limitation and we find no difficulty in severing and quashing the same. This approach can be legitimised on the ground that every government servant retires. State grants upward revision of pension undoubtedly from a date. Event has occurred revision has been earned. Date is merely to avoid payment of arrears which may impose a heavy burden. If the date is wholly removed, revised pensions will have to be paid from the actual date of retirement of each pensioner. That is impermissible. The State cannot be burdened with arrears commencing from the date of retirement of each pensioner. But effective from the specified date future pension of earlier retired government servants can be computed and paid on the analogy of fitments in revised pay-scales becoming prospectively operative. That removes the nefarious unconstitutional part and retains the beneficial portion. It does not adversely affect future pensioners and their presence in these petitions becomes irrelevant. But before we do so, we must look into the reasons assigned for eligibility criteria, namely, 'in service on the specified date and retiring after that date'."

The learned Judges then expressed their disinclination to share the fear expressed by the learned Attorney General that the Parliament would not have enacted the measure if the unconstitutional part was struck down and added "Our approach may have a parliamentary flavour to sensitive noses". Dealing with the question of frame of relief, the Court struck down as unconstitutional the words, "that in respect of the government servants who were in service on March 31, 1979 and retiring from service on or after that date" and the words "the new rates of pension are effective from April 1, 1979 and will be applicable to all service officers who became/become non-effective on or after that date", in the impugned memoranda, but specified that "the date mentioned therein will be relevant as being one from which the liberalised pension scheme becomes operative to all pensioners governed by 1972 Rules irrespective of the date of retirement". It was declared "all pensioners governed by the 1972 Rules and Army Pension Regulations shall be entitled to pension as computed under the liberalised pension scheme from the specified date, irrespective of the date of retirement".

20. In the course of our narration, we have already stated our

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conclusions on several of the questions at issue, both factual and legal. The final situation that emerges is that almost immediately after the

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age of superannuation was reduced from 58 to 55 years, it was realised by the Government of Andhra Pradesh that they had taken a step in the wrong direction and that serious wrong and grave injustice had been done to their employees. A decision was very soon taken to redress the wrong by reversing the decision but an unfortunate rider was added that they should wait till the pronouncement of the judgment of the Supreme Court, which was perhaps expected to be pronounced shortly. As the judgment was not pronounced for long, it became imperative for the Government to implement their decision of their own accord and so they passed Ordinance 24 of 1984 and Act 3 of 1985, amending Act 23 of 1984 by substituting 58 years for 55 years. While doing so, unfortunately again, those that had suffered most by being compelled to retire between February 28, 1983 and August 23, 1984 were denied the benefit of the legislation by clause 3(1) of the Ordinance and Section 4(1) of Act 3 of 1985. Now if all affected employees hit by the reduction of the age of superannuation formed a class and no sooner than the age of superannuation was reduced, it was realised that injustice had been done and it was decided that steps should be taken to undo what had been done, there was no reason to pick out a class of persons who deserved the same treatment and exclude from the benefits of the beneficent treatment by classifying them as a separate group merely because of the delay in taking the remedial action already decided upon. We do not doubt that the Judge's friend and counsellor, "the common man", if asked, will unhesitatingly respond that it would be plainly unfair to make any such classification. The commonsense response that may be expected from the common man, untrammelled by legal lore and learning, should always help the Judge in deciding questions of fairness, arbitrariness etc. Viewed from whatever angle, to our minds, the action of the Government and the provisions of the legislation were plainly arbitrary and discriminatory. The principle of *Nakara*² clearly applies. The division of Government employees into two classes, those who had already attained the age of 55 on February 28, 1983 and those who attained the age of 55 between February 28, 1983 and August 23, 1984 on the one hand, and the rest on the other and denying the benefit of the higher age of superannuation to the former class is as arbitrary as the division of government employees entitled to pension in the past and in the future into two classes, that is, those that had retired prior to a specified date and those that retired or would

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retire after the specified date and confining the benefits of the new pension rules to the latter class only. Legislations to remedy wrongs ought not to exclude from their purview a few of the wronged persons unless the situation and the circumstances make the redressal of the wrong, in their case, either impossible or so detrimental to the public interest

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that the mischief of the remedy outweighs the mischief sought to be remedied. We do not find that there is any such impossibility or detriment to the public interest involved in reinducting into service those who had retired as a consequence of the legislation which was since thought to be inequitable and sought to be remedied. As observed in *Nakara*², the burden of establishing the reasonableness of a classification and its nexus with the object of the legislation is on the State. Though no calamitous consequences were mentioned in any of the counter-affidavits, one of the submissions strenuously urged before us by the learned Advocate-General of Andhra Pradesh and the several other counsel who followed him was the oft-repeated and now familiar argument of "administrative chaos". It was said that there would be considerable chaos in the administration if those who had already retired are now directed to be reinducted into service. We are afraid we are unable to agree with this submission. Those that have stirred up a hornet's nest cannot complain of being stung. The argument about administrative chaos has been well met by Lord Denning, M.R. in *Bradbury v. London Borough of Enfield*³ where the Master of Rolls in his characteristic and forceful way observed:

"It has been suggested by the chief education officer that, if an injunction is granted, chaos will supervene. All the arrangements have been made for the next term, the teachers appointed to the new comprehensive schools, the pupils allotted their places, and so forth. It would be next to impossible, he says, to reverse all these arrangements without complete chaos and damage to teachers, pupils and public. I must say this : if a local authority does not fulfil the requirements of the law, this Court will see that it does fulfil them. It will not listen readily to suggestions of 'chaos'. The department of education and the council are subject to the rule of law and must comply with it, just like everyone else. Even if chaos should result, still the law must be obeyed; but I do not think that chaos will result. The evidence convinces me that the 'chaos' is much overstated. . . . I see no reason why the position should not be

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restored, so that the eight schools retain their previous character until the statutory requirements are fulfilled. I can well see that there may be a considerable upset for a number of people, but think it far more important to uphold the rule of law. Parliament has laid down these requirements so as to ensure that the electors can make their objections and have them properly considered. We must see that their rights are upheld."

In the present case too, we think that the case of chaos is much

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overstated. The affidavits do not disclose what disastrous consequences, insoluble problems and unsurmountable difficulties will follow and how chaos will inevitably result. True quite a large number of employees who have been promoted will have to be reverted, but their promotions and promotional appointments are all temporary (and, we take care to add here it would make no difference even if a few were regularly promoted) and it is not as if they lose for ever their promotional opportunities. The promotional opportunities are merely postponed to the dates on which they would be entitled to be promoted had not the fundamental rules and the Hyderabad Civil Services Rules been amended and Act 23 of 1984 passed. What has now happened is that these persons have secured a double advantage. First, by the initial reduction of the age of superannuation, they obtained early and unanticipated promotion, that is to say, promotion ahead of the normal date on which they would have otherwise been promoted; and second, their tenure in the promoted post was increased by a further three years as a result of the subsequent increase of the age of superannuation. Having secured this double advantage they naturally desire to stick to them and talk glibly of hardship and inconvenience. On the other hand, it would be a great injustice to deny justice to those who have suffered injustice most merely because it may cause inconvenience to the administration. We are governed by the Constitution and constitutional rights have to be upheld. Surely the Constitution must take precedence over convenience and a judge may not turn a bureaucrat. We do not mean to suggest that creation of a chaotic state of administration is not a circumstance to be taken into account. It may be possible that in a given set of circumstances, portentous administrative complexity may itself justify a classification. But, there must be sufficient evidence of that — how the circumstances will lead to chaos. Ups and downs of career bureaucrats do not by themselves justify such a classification. It may however be of some consequence in the matter of granting relief. For instance there would

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be really no point in reinducting an employee if he has but a month or two to go to attain the age of 58 years and to retire. Reinduction of such a person is not likely to be of any use to the administration and may indeed be detrimental to the public interest. It is bound to be wasteful. In such cases as well as in cases where they can't be reinducted because they have already completed 58 years by now, they cannot obviously be reinducted. So other ways of compensating them must be found. The obvious course is to compensate them monetarily. In Industrial Law we do award back and future wages on quite a large scale and there is no reason why we cannot adopt the same principle here. If as a rule private employers in such situations are asked to pay back wages, we see

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no impediment in doing so in the case of those that are expected to be model employers i.e. the Government, public corporations and local authorities.

21. An argument which requires to be dealt with is that it is not open to the court to give retrospectivity to a legislation to which the Legislature plainly and expressly refused to give retrospectivity. As pointed out in *Nakara case*¹ the question is not one of retrospectivity at all. The circumstance that the relief given by Ordinance 24 of 1984 and Act 3 of 1985 is not extended to those who had attained the age of 55 years by February 28, 1983 or between February 28, 1983 and August 23, 1984, has the effect of limiting the field of operation of the Ordinance and the Act and introducing a classification which in order to be sustained must be shown to be reasonable and to have a nexus to the object to be achieved besides not being arbitrary. While it is a general rule of law that statutes are not to operate retrospectively, they may so operate by express enactment, by necessary implication from the language implied or where the statute is explanatory or declaratory or where the statute is passed for the purpose of protecting the public against some evil or abuse or where the statute engrafts itself upon existing situations etc., etc. But it would be incorrect to call a statute "retrospective", "because a part of the requisites for its action is drawn from a time antecedent to its passing" [vide *R.v. St. Mary, Whitechapel (Inhabitants)*]². We must further remember, quite apart from any question of retrospectivity, that, unlike in the United Kingdom here in India we have a written Constitution which confers justiciable fundamental rights and so the very refusal to make an Act retrospective or the non-application of the Act with reference to a date or to an event

that took place before the enactment may, by itself, create an impermissible classification justifying the striking down of the non-retroactivity or non-application clause, as offending the fundamental right to equality before the law and the equal protection of the laws. That is the situation that we have here.

22. We may now refer to two arguments which were mentioned in passing but were not pursued. The first was that a writ petition similar to Writ Petitions 3420-3426 of 1983 etc. had been filed earlier and had been dismissed in limine by a Bench of this Court. We do not see how the dismissal in limine of such a writ petition can possibly bar the present writ petitions. Such a dismissal in limine may inhibit our discretion but not our jurisdiction. So the objection such as it was, was not pursued further. So also the second objection which related to the non-joinder of all affected parties to the litigation. We

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are quite satisfied that even if some individual affected parties have not been impleaded before us, their interests are identical with those and have been sufficiently and well represented. Further, the relief claimed in Writ Petitions 3420-3426 of 1983 etc. is of a general nature and claimed against the State and no particular relief is claimed against any individual party. We do not think that the mere failure to implead all affected parties is a bar to the maintainability of the present petitions in the special circumstances of these cases where the actions are really between two "warring groups".

23. Finally we come to the question of the relief to be granted. We find that Clause 3(1) of Ordinance 24 of 1984 and Section 4(1) of Act 3 of 1985 may easily be brought to conform to the requirements of Article 14 of the Constitution by striking down or omitting the naughty word "not" from those provisions. We may possibly achieve the same object by striking down the whole of clause 3(1) of the Ordinance and Section 4(1) of the Act but then the question may arise whether the rest of the Act would be sufficient to bring in those who have been excluded. We think that the safer course would be to strike down the offending word "not" from these provisions. That we have such power is clearly laid down in *Nakara case* where the Court directed the deletion of some words from the offending clause and directed it to be read without those words. To make matters clear and to put them beyond dispute, we give the following directions in exercise of our powers under Articles 32 and 142 of the Constitution:

"(1) All employees of the Government, public corporations and

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local authorities, who were retired from service on the ground that they had attained the age of 55 years by February 28, 1983 or between February 28, 1983 and August 23, 1984, shall be reinstated in service provided they would not be completing the age of 58 years on or before October 31, 1985.

(2) All employees who were compelled to retire on February 28, 1983 and between February 28, 1983 and August 23, 1984 and who are not eligible for reinstatement under the first clause, shall be entitled to be paid compensation equal to the total emoluments which they would have received, had they been in service, until they attained the age of 58 years, less any amount they might have received ex gratia or by way of pension etc. or under the interim orders of this Court. They will be entitled to consequential retiral benefits.

(3) Such of the employees as have not been compelled to retire by virtue of orders of stay obtained from the High Court or the Administrative Tribunal, or who have actually been reinstated in service pursuant to interim orders of this Court,

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shall be allowed to continue in service until they attain the higher age of superannuation.

(4) The reinduction of those employees that have been compelled to retire previously will put them back as regards their seniority in precisely the same position which they occupied before they were retired from service. They will be entitled to all further consequential benefits.

(5) The employees who were retired and who are reinducted will be entitled to be compensated for the period during which they were out of service in the same manner as mentioned in clause (2).

(6) In the matter of reinduction of employees who do not attain the age of 58 years on or before October 31, 1985, the Government may exercise an option not to reinduct them in the case of all or some or any of the employees, as the case may be, provided the employees are paid the compensation as in the case of those covered by (2) and (5).

(7) All interim orders are vacated and subject to these directions, the Government is free to revert persons promoted or appointed to the posts held by persons who were retired on having attained the age of 55 years by February 28, 1983 or between February 28, 1983 and August 23, 1984 to the posts which they held on February 28,

1983 or on the dates previous to their promotion or appointment provided that they need not be so reverted, if they would otherwise be entitled to be promoted or appointed even if the other employees had not been retired consequent on the lowering of the age of superannuation.

(8) The Government shall be free to create supernumerary posts wherever they consider it necessary so to do.

(9) All payment of compensation to be made and completed before December 31, 1985. If for any reason the Government finds itself unable to pay the entire amount at one time within the time fixed by us, the Government will be at liberty to pay the amount in not more than four instalments within the time stipulated by us. The Government will also have the liberty to apply to us for extension of time, if so advised. Where the employees are awarded compensation by the Government, such employees may apply to the concerned Income Tax Officer for relief under Section 89 of the Income Tax Act read with Rule 21-A of the Income tax Rules and the Income Tax Officer concerned will grant the appropriate relief."

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24. With these directions, Writ Petitions 3420-26 of 1985 etc. are allowed with costs and Writ Petitions 5447-5546 of 1985 etc. are dismissed but in the special circumstances without any order as to costs.

V.B. ERADI, J. (*supplementing*)— While respectfully agreeing with the judgment prepared by my learned Brother Reddy, J. I have thought it fit to add a few words of my own since I consider it necessary to make it absolutely clear that the conclusions reached by us in these cases are based entirely on the special facts and circumstances constituting the legislative history of the impugned Andhra Pradesh Ordinance 24 of 1984 and Act 3 of 1985 which have been set out in extenso in the judgment of Reddy, J.

26. We are not to be understood as laying down that whenever the age of superannuation of Government employees or of employees of local authorities etc. is enhanced, the benefit of such enhancement should be extended not merely to persons in service on the date on which the change is effected but also to persons who have already retired from service prior to that date. It is now well established by decisions of this Court that the Government has full power to effect a change in the age of superannuation of its employees on relevant

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considerations. If in the exercise of such power the age of superannuation is enhanced purely by way of implementation of policy decision taken by the Government, such alteration can legally be brought about with prospective effect from the date of the commencement of the operation of the Ordinance, Act or Rule and no question of violation of Article 14 or 16 of the Constitution will arise merely because the benefit of the change is not extended to employees who have already retired from service. In these cases now before us our conclusion is rested entirely on the finding arrived at by us after a consideration of the factual background and legislative history of the impugned Ordinance and Act that the underlying purpose and object behind the relevant provisions of the Ordinance and the Act was to set right and nullify a wrong or injustice that had been done to the employees by the abrupt reduction of the age of superannuation from 58 years to 55 years by Ordinance 8 of 1983 and the Government's notification issued as per GOMs No. 36, dated February 8, 1983 which preceded it. All that we are holding is that in the context of these telling facts and circumstances which conclusively show that the object and purpose of the legislation was to set right the injustice that had been done, there is no rational or reasonable nexus or basis for separately classifying the employees who had retired from service prior to the date of commencement of Ordinance 23 of 1984, who are the persons most affected by the wrong — by denying to them the benefit of the rectification of the injustice. It is solely on this ground that

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we are allowing these writ petitions and granting the reliefs specified in the judgment of Reddy, J.

V. KHALID, J. (supplementing)— After considering the rival contentions put forward by the learned counsel on both sides, the factual matrix and the law involved, the following points gave me some difficulty in accepting the petitioners' case. I felt that these points posed hurdles in the way of the petitioners succeeding in their attempt to secure the relief sought. I am formulating the points as I understood them:

(1) This Court in *K. Nagaraj v. State of A.P.*¹ upheld the action of the Government in reducing the age of retirement from 58 to 55. The contention that such reduction was arbitrary and irrational was not accepted. Further, the contention that the age of superannuation was increased from 55 to 58 years with effect from October 29, 1979, after an elaborate and scientific enquiry by a one-man pay commission did

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not find favour with this Court because it felt that the question of the age of retirement was not referred to the Commission. Accordingly the Court held that the decision regarding the age of retirement was a matter of policy in the formulation of which the Government must be allowed a free and fair role to play. It is not always necessary that such a decision is taken on the basis of empirical data collected on scientific investigation. The further submission that the decision to reduce the age of retirement from 58 to 55 years was arbitrary in view of the fact that it was taken by the State Government within one month of the assumption of office by it also did not find favour with this Court. This Court observed that the reasonableness of a decision in any jurisdiction, did not depend upon the time which it took. This decision has become final and the petitioners before us cannot in any manner question it. This decision is, therefore, an authority for the proposition that the charge of arbitrariness cannot be laid at the doors of the Government in matters relating to policy decisions and that the Government have full powers to decide about the age of retirement considering the various data available before it.

(2) *Bishun Narain Mishra v. State of U.P.*¹ is a decision rendered by a Constitution Bench of this Court. In that case, a notification on November 27, 1957, raised the age of superannuation from 55 to 58 years. On May 25, 1961, the age of retirement was reduced once again to 55 years. It was provided in the second notification that those who were retained in service beyond the age of superannuation on the basis of the earlier notification would be compulsorily retired on December 31, 1961. The second notification was questioned as being arbitrary and hit by Article 14 since it resulted in inequality between the public servants in the matter of retirement. In this Judgment the classification of Government employees who were in

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service into two groups based on their age was upheld by the Constitution Bench as a reasonable classification. I felt that this case had a great bearing on the petitions before us and the principle laid down there could be extended to the cases before us. It was strongly contended that if classification of the two groups of in-service employees on the basis of age and a cut off date could be justified as reasonable classification, it can be more so in cases like the one before us where the classification is between the retired employees and those in service.

(3) By the operation of a valid law, some employees have retired by


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superannuation and have thus ceased to be members of their respective service. What is now attempted is to retrospectively re-induct them into service, a procedure that courts should frown upon and not encourage.

(4) For the purpose of the cases before us, *Bishun Narain Mishra case*¹ is more appropriate and useful than that of *D.S. Nakara v. Union*² which dealt with two classes of retired employees and a cut off date. The attempt to distinguish *Bishun Narain case*³ on the factual difference available in these cases is a matter for further probe, in order to see how far the distinction is destructive of the principle laid down there in its application to these cases.

(5) The original attempt by the petitioners was to get Section 3 of the amending Act struck down in its entirety. Now they realise that such a relief would not serve their purpose. What they now want is that this Court should remove the word "not" from the section, so that the petitioners will be rescued from the mischief of that word. Removing a word or adding words to a legislative enactment is an exercise, courts have been repeatedly warned against from embarking upon. I personally feel that this guideline is one that has to be respected by courts of law.

(6) A petition, similar to the one before us, was filed in this Court as WP No. 16080 of 1984 raising identical points. This writ petition came up for hearing on February 12, 1985 before a Bench consisting of the Chief Justice, Justice D.A. Desai and Justice A.N. Sen. After hearing the counsel for the petitioner as well as the State of Andhra Pradesh, the Bench suggested that the counsel for the State should take instructions from the State of Andhra Pradesh about reinstating in service of those persons who had not attained 58 years of age, but without back wages. The case was adjourned to February 19, 1985 for that purpose. I understand that counter-affidavits were also filed in that case. The case appeared before a Bench consisting of Justice R.S. Pathak and Justice A. Varadarajan on the next occasion. On that occasion, the petition was dismissed, after hearing. Normally this Court will be disinclined to entertain or

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to hear petitions raising identical points again where on an earlier occasion, the matter was heard and dismissed. Not that this Court has no jurisdiction to entertain such matters, but would normally exercise its discretion against it. One of the counsel appearing for the respondents strongly pleaded the bar of res judicata against these petitions on the basis of the earlier decision.

(7) The learned Advocate-General of the Andhra Pradesh with great concern and justifiably appealed to us that if the petitions were allowed, it would cause serious dislocation in the administration. He strongly pleaded that the action taken did not have any tinge of mala fides that there was no attempt at picking and choosing of any government servant and that therefore the Court should not exercise its jurisdiction to annul a policy decision.

28. I have given my anxious considerations to the above questions and the rival submissions in reply. I find that the case is more or less evenly balanced between the parties. Two important factors have, however, persuaded me, to agree with the main Judgment and to err on the side of justice more than that of law, invoking the benevolent jurisdiction under Article 142(1) of the Constitution of India which reads:

"142 (1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe."

29. These petitions involved serious human problem. Employees of the State with limited resources, who have been planning their future with a secure feeling that they could work till the age of 58 years, have as though overnight, been robbed of their tenure, their aspirations and future. They have become the helpless victims of certain swift moves on the political chess-board. These swift moves, perhaps taken in a hurry, without serious application of mind have resulted in arbitrariness that has been forcefully projected by the petitioners. This plea cannot be light-heartedly thrown overboard. Justice demands that the petitioners should be saved of their predicament.

30. The second factor that has prevailed upon me to give succour to the petitioners, is the blame that this Court has to share for the sorry state that has come to pass in the matter. Without meaning disrespect to anyone, I firmly believe, that prompt action by the Court,

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would have eased the situation, considerably and relieved the petitioners of their sad plight and us of this avoidable exercise. It is not as though that the subsequent developments were not brought to the

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notice of this Court in *Nagaraj case*¹. We were told that the Bench was alerted in time about the developments that had taken place but unfortunately they were not taken into account. When the Judgment ultimately came on January 18, 1985, as many as 6000 employees had lost their service, a tragic result, not based on any relevant consideration having a nexus to the age of superannuation. The damage had been done and it can be repaired only by extending this Court's powers to a section of employees who deserves sympathy and fair deal.

31. This short Judgment is only to vindicate my stand. I respectfully agree with the Judgment prepared by my learned Brother Reddy, J. I am also in entire agreement with my learned Brother Eradi, J. about the limited scope of the principles laid down in these cases on their peculiar facts.

¹ Under Article 32 of the Constitution of India

¹ *K. Nagaraj v. State of A.P.*, (1985) 1 SCC 523 : 1985 SCC (L&S) 280

² Francis Bennien : Statutory Interpretation

³ AIR 1965 SC 1567 : (1965) 1 SCR 693 : (1966) 1 Lab LJ 45

⁴ AIR 1965 SC 473 : ILR (1963) 15 Ass 97

⁵ (1983) 1 SCC 305 : 1983 SCC (L&S) 145 : AIR 1983 SC 130 : (1983) 2 SCR 165

⁶ (1967) 3 All ER 434

⁷ (1942) 12 QB 120

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Annexure-J

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No.A.12034/1/2014-CHS-V
Government of India
Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi
Dated: the 31st May, 2016

ORDER

The President is pleased to enhance the age of superannuation of the specialists of Non-Teaching and Public Health sub-cadres of Central Health Service (CHS) and General Duty Medical Officers of CHS to 65 years with immediate effect.

(B. Bandyopadhyay)
Deputy Secretary to the Government of India
Telefax: 2306-1527

To

All Participating Units of CHS

Copy for information and necessary action to:

1. Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
3. Department of Personnel and Training (Estt. A Section), North Block, New Delhi with the request to make necessary amendments in FR-36 and other Central Service Rules incorporating the decisions, at the earliest possible.
4. Department of Pensions and Pensioners' Welfare, Lok Nayak Bhawan, New Delhi.
5. Department of Expenditure, Ministry of Finance, North Block, New Delhi.
6. Ministry of Home Affairs, North Block, New Delhi.
7. Department of Higher Education, Ministry of Human Resources and Development, Shastri Bhavan, New Delhi.
8. Ministry of Defence, South Block, New Delhi.
9. Ministry of Labour, Jaisalmer House, New Delhi.
10. Department of Posts, Dak Bhavan, New Delhi.
11. Department of Legal Affairs, Shastri Bhavan, New Delhi.
12. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
13. New Delhi Municipal Council, Palika Kendra, Parliament Street, New Delhi- 110 001.
14. Head Quarters, Municipal Corporation of Delhi, Dr. S.P.M Civic Centre, Minto Road, New Delhi- 110 002.
15. Government of National Capital Territory of Delhi, Delhi Secretariat
16. Admn. I/II, Dte. CHS, Nirman Bhawan, New Delhi
17. JS(KLS)/JS(KCS)/JS(RK)/JS(AR)/JS(MJ)/JS(AP)/JS(SS)/JS(OP)/JS(VG)
18. DS(CHS)/US(CHS-III & IV)/US(MKS)
19. CHS.I/CHS.II/CHS.III/CHS.IV/CHS.VI sections
20. NIC, MoH&FW, Nirman Bhawan for uploading the order on Ministry's website immediately.

No.A.12034/1/2014-CHSV
Government of India
Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi
Dated 19th July, 2016

OFFICE MEMORANDUM

Subject: Implementation of Cabinet decision concerning enhancement of age of superannuation of the officers of Non-Teaching Specialist, Public Health Specialist and General Duty Medical Officer sub-cadres of Central Health Service (CHS).

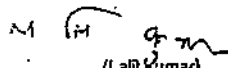
The undersigned is directed to refer to this Ministry's Order of even no. dated 31st May, 2016 and Department of Personnel's Notification No. GSR 567(E) published in the Gazette of India dated 31st May, 2016 enhancing the age of superannuation of the officers of Non-Teaching Specialist, Public Health Specialist and General Duty Medical Officer (GDMO) sub-cadres of Central Health Service (CHS) to 65 years. The matter has been further examined and following has been decided:

- (i) CHS officers of Non-Teaching Specialist, Public Health Specialist and GDMO sub-cadres of CHS will hold the administrative posts till the date of attaining the age of 62 years and thereafter their services would be placed in Non-Administrative positions with the following designations:

S. No.	Sub-cadre	HAG and above	SAG
1.	Non-Teaching Specialists	Principal Consultant	Consultant
2.	Public Health Specialists	Principal Advisor	Advisor
3.	GDMO	Senior CMO (HAG)	Senior CMO (SAG)

- (ii) The officers of Teaching Specialist sub-cadre of CHS will continue to hold Administrative positions till they attain the age of 62 years as provided in this Ministry's OM No. A.11016/1/09-CHS-V dated 24th February, 2012.

- A list of administrative positions in various sub-cadres of Central Health Service is annexed.
- This has the approval of the Competent Authority.
- Hindi version follows.


(Lalit Kumar)
Under Secretary to the Government of India
Tel: 011-23062550

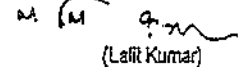
To
All Participating units of CHS

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Copy to:

1. Cabinet Secretariat (Ms. Sanjukta Ray, Director), Rashtrapati Bhawan, New Delhi - with reference to Cabinet Secretariat note no. 27/CM/2016 dated 16.06.2016(Case No. 178/27/2016)
2. PS to HFM / PSs to MoS(HFW)
3. PPS to Secretary(HFW) / PPS to AS(H) / PPS to JS(KCS)
4. PPSs to all ASs / JSs of MoH&FW
5. Admin. I / II of Dte.GHS, Nirman Bhawan, New Delhi
6. Estt. III Section of MoH&FW
7. Hindi Section for Hindi version.
8. All Section Officers in CHS Division.
9. NIC, MoH&FW, Nirman Bhawan, New Delhi for uploading the order on the website of Ministry immediately.


(Lalit Kumar)

Under Secretary to the Government of India
Tel: 011-23062550

I am not a member of welfare fund

Therefore I have affixed required stamp.

VAKALATNAMA
IN THE MAHARASHTRA ADMINISTRATIVE

TRIBUNAL NO. OF 2024

DIST:

Dr. Nawalsing Chavan Applicant

VERSUS

The state of Maharashtra ... Respondent/s
S O Rg.

To,
The Registrar
MAT, Mumbai

I, Nawalsingh Chavan
years, Occu: R/at

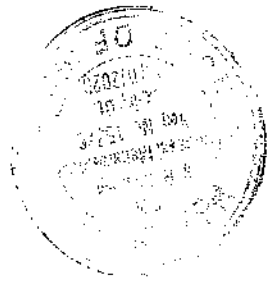
,Age:

do hereby appoint and authorize,

MAIL/149/ 2024
High Court , Bombay



to appear, plead and to act for me in the abovematter.



IN WITNESS WHEREOF I/we have set me /our
hand to this writing

Dated This day of 2024.

Witness

I accept


Signature

DR. Nawalsingh Chavan



(Desai Legal)

{MAH/1491/2024}

411, 4th floor, Yusuf Building,

Near Flora Fountain,

Fort, Mumbai- 400 001

M. No.: 9860583227

E-mail: desai.legal3@gmail.com

**BEFORE THE HONBLE MAHARASTRA
ADMINISTRATION TRIBUNAL
MUMBAI BENCH, AT MUMBAI
ORIGINAL APPLICATION NO. OF 2024**

**DR.Nawalsing Chavan Applicant
Versus
The State Of Maharashtra & Ors.
.....Respondents**

Original Application

Dated this day of 2024

Adv.Mohini A. Rehpade

(Desai Legal)

MAH/1491/2024

Advocate High Court

411,4th Floor ,Yusuf Building,

Fort, Near Flor Fountain,

Mumbai-400001.

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