BEFORE THE HON'BLE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, AT MUMBAI

ORIGINAL APPLICATION NO.

OF 2024

DISTRICT: THANE

In the matter between

Dr.Supriya Fakirrao Deshmukh

... Applicant

Versus

The State of Maharashtra and Ors.

... Respondents

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Date: 19/12/2024

Place : Mumbai

Advocate for Applicant Adv. Vijay Singh



BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH, AT MUMBAI ORIGINAL APPLICATION NO. OF 2024

Dr.Supriya Fakirrao Deshmukh

...Applicant

Versus

State Of Maharashtra & Ors

...Respondents

SYNOPSIS

1. CHALLENGE IN BRIEF:

Arbitrary nature of the Government Resolution and Rule 10(1) Maharashtra Civil Service (Pension) Rules, 1982, as amended in the year 2022 dated 24.02.2022, to the extent of the time limitation of its operation till 31.05.2023, and also to the extent that it is retiring the applicants at the age of 58 years as violative of Article 14, 16 & 19 of the Constitution and is Arbitrary in nature which has given benefit and extended the Age of superannuation till 60 years for similarly placed medical officers except the applicants. The Applicant is challenging the said action of the Respondents. Hence, the present Original Application.

2. DATES AND EVENTS:

SR.	DATE	EVENT	<u>EXH</u>	<u>PG.</u>
NO.				NO
	31.05.2023	Applicants being attained Age between 58 to 60 years are being illegally retired on 31.05.2023 by the State Government in lieu of GR dated		
		29.08.2018		
1.	29.08.2018	G.R issued by Govt of		
		MAH wherein Applicants		

	,	gowting in the Table		ſ
destructions	TOTAL MARKET	serving in the Public	i	
til ver manuscrite	***************************************	Health Department after		
- Annie de la company de la co		attaining the statutory age		
		of retirement of 58 years	, market and a second	
-	22 02 2022	shall retire on 31.05.2023.	<u> </u>	
2.	23.02.2022		***************************************	
		by the Maharashtra Civil		
	A CONTRACTOR OF THE CONTRACTOR	Service (Pension) Rules,		
	-	1982, wherein the		
	THE THE PARTY OF T	applicant got the benefit on		
-	MARAN MARANAPARA	the extended age of		
		retirement of 60 years, as	***************************************	
		such the Applicants		
		continued to be in their	TAXABAN AND AND AND AND AND AND AND AND AND A	
		service thereafter.		
3.	01.07.2019	Government Resolution		
-		was issued which was		-
		applicable to all the health		
		officers rending direct		
		patient services thereby		
***************************************		increasing their age of		
		retirement from 60 years to		
		62 years which was		
		operational only till		
		31.05.2021.		
4.	09.08.2021	Government Resolution		
		was issued further		
	-	confirming that the	THE PERSON NAMED IN COLUMN TO THE PE	
		extension of retirement to		
	and the state of t	that of 62 years is under	MANTETER	
		consideration and the same	A	
		has been approved in the	пуппаванува	
	H-bb-internesses	cabinet meeting of the		
ļ	Теленичения	respondent State which	T-	
-		was operational with	придаринарафия	
		extension till 31.05.2022.	HEPTHI PARTY	
5.	05.04.2023	Applicants have been		
		making appropriate	i i i i i i i i i i i i i i i i i i i	
***************************************		representations to the		
		respondent authority for		
		extending their retirement	***************************************	
		age on 05 th April, 2023		
1				

6.	31.08.23	MAT passed an order rejecting the claims of petitioner.	
7.	05.10.23	The Hon'ble Bombay high court passed an order to reinstate the petitioner in writ petition.	
8.	12.10.2023 And 13.10.2023	Applicants were reinstated by the orders on the mentioned dates.	
9.		An Applicant approached the Hon'ble High Court by vide Writ Petition No. and the Hon'ble High Court was pleased to protect the Applicant to continue her services till the age of superannuation.	·
10		Last Page	

3. POINTS TO BE URGED:

1. Whether the impugned proviso is against the principles of natural justice and Article 14, 16, 19 of constitution of India?

4. ACTS TO BE CITED:

- 1. Government Resolutions
- 2. Maharashtra Civil Service (Pension) Rules
- 2. Constitution of India
- 3. Other acts at the time of argument.

5. AUTHORITIES TO BE CITED

Authorities will be cited during the pursuance of the proceedings

Date: 19/12/2014

Place: Mumbai

Advocate for Applicant

Ado. Vijay singh

BEFORE THE HON'BLE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, AT MUMBAI

ORIGINAL APPLICATION NO.

ADVOCATE & NOTARY KCLHAPUR OF 2024

DISTRICT: KOLHAPUR

1.	Dr. Supriya Fakirrao Deshmukh)
	Age.: 57 yrs., Occ.: Service,)
	Date of Birth: 14.02.1967)
	At.: At Post : Plot No.40, Chavan)
4.	Colony, Opp. Kalamba Jail, Devkar)
	Panand Road, Kolhapur – 416 007.)
	M. No.: 9823131717)Applicant
	supriyadesai6707@gmail.com	
VE	RSUS	
1.	The State of Maharashtra,	
	Through the Principal Sectretary,)	
	Public Health Department, 10 th)	
	floor, G.T.Hospital Compound,	Respondent
	Mantralaya. Mumbai – 400 032.	no.1

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2. The State of Maharashtra, Through its Sectretary, Public) Health Department, 10th Floor, ...Respondent G.T.Hospital Compound, no.2 Mantralaya.Mumbai - 400 032. 3. The Commissioner of Health &) Mission, Maharashtra Arogya Bhawan, St. George) ...Respondent Hospital Compound, Near C.S.T. no.3 Mumbai – 400 001. 4. The Director of Health Services,) Arogya Bhawan, St. Hospital Compound, Near C.S.T. ...Respondent Mumbai – 400 001. no.4 5. The Under Sectretary, Public) Health Department, 10th floor, G.T. ...Respondent Hospital Compound, Mantralaya. no.5

Mumbai - 400 001.

No. of Correction On this Page Hil 6. The SecretaryThe Finance)

Department,5th floor,) ...Respondent

Mantralaya,Mumbai – 400 001.

I. PARTICULARS OF THE APPLICANT:

As per the title

II. PARTICULARS OF THE RESPONDENTS

As per the title

II. PARTICULARS OF THE ORDER AGAINST WHICH THE

APPLICATION IS MADE:

The Applicant is filing the present Original Application challenging the validity of the Arbitrary nature of the Government Resolution and Rule 10(1) Maharashtra Civil Service (Pension) Rules, 1982, as amended in the year 2022 dated 24.02.2022, to the extent of the time limitation of its operation till 31.05.2023, and also to the extent that it is retiring the applicants at the age of 58 years as violative of Article 14, 16 & 19 of the Constitution and is Arbitrary in nature which has given benefit and extended the Age of superannuation till 60 years for similarly placed medical officers except the applicant. The Applicant contends that they should receive the same benefits as other doctors of the same cadre and date of retirement should be extended, the copy of the

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Government Resolution dated 29.08.2018 is hereto marked as Annexure A.

III. JURISDICTION OF TRIBUNAL:

The Applicant state that, the offices of the Respondents are in Mumbai and all the Applicant is currently working in the Public Health Department. The impugned arbitrary decision of the Respondent authorities is also taken in Mumbai. Therefore, this

Hen'ble Tribunal has the jurisdiction to try the present

Pplication.

LIMITATION

The Applicant states that, considering that the impugned proviso is given effect from 01.06.2022, the Applicant is well within the limitation to approach the Hon'ble Tribunal and the present Application is filed well within limitation and also the cause of action is further arising on 31.05.2023 when the Government Notification extending the age limit of medical officer to 60 years comes to an end, resultantly, the present applicant is being deprived of the benefit of such age limit and are being retired at their respective age of 58 years therefore, the Applicant is approaching the Hon'ble Tribunal well within the period of limitation.

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V. DETAILS OF REMEDIES EXHAUSTED:

That, other applicants in different Original Applications had approached the Hon'ble Chief Minister of the State of Maharashtra with their concern vide representation dated 05.04.2023. However, the same is still pending with the Hon'ble Chief minister. That, the Applicants will be retired after attaining respectively age of 58 years therefore, there is no other efficacious remedy left with Applicants other than to approach this Hon'ble Tribunal.



VI. FACT OF THE CASE:

- 1. The Applicant is working as Medical officers in Public Health
 Department for the Government of Maharashtra. The
 Applicant is due for retirement in the Month of February,
 2025 by attaining age of 58 years. Copy of the documents
 with regards to initial appointment, service record and present
 posting which were timely issued by the concern department
 and received by the Applicant are hereto marked as
 Annexure B Colly.
- 2. The Respondent No. 1 to 6 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.

No. of Correction On this Page +i) 3. The abovementioned Applicant has joined the Government of Maharashtra as permanent doctor providing health care services in the Public Health Department and Employee state Insurance scheme. The abovementioned Applicant have been serving the State Government since last approximately more than two decades in various districts of the State with complete dedication.

J. K. DESAI ADVOCATE & NOTARY KOLHAPUR Regd. No. 4631

4. That, the Applicant will attain the age of 58 years and will arbitrarily and illegally relieved by the Respondents. The Applicant is aggrieved by the Rule 10(1) Maharashtra Civil Service (Pension) Rules, 1982 whereby the Applicant is being retired by misinterpreting the Government Resolution dated 29.08.2018. It appears that the Respondents are swayed away by the provisions in the government resolution dated 29.08.2018 that such Government Resolution shall be in force till 31.05.2023. The impugned proviso contravenes the doctrine of reasonable classification as the Medical officer of same cadre were previously granted varying age of superannuation through different Government Resolution whereas this act of retiring the Applicant is Arbitrary and without any reasonable difference which is in direct violation to Article – 14, 16 and 19 of the Constitution of India.

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5. The Applicant submit that he is working with the Respondents till date as Medical officers. The Applicants is discharging their duties as such till date. Apart from that, the Applicant is extremely accomplished officers in the field of State.



- 6. The Applicant submit that they are 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 58 years as attained by the employee on the afternoon of the last date of month.
- 7. However, since the concerned Rule 10 (1) was amended vide amendment dated 23.02.2022, a group of people/medical officer got the benefit on the extended age of retirement of 60 years, However, as per the Respondents, the abovementioned Applicant is to retire after attaining the age of 58 years as per the impugned amendment in MCS (Pension) Rules, 1982, apparently misinterpreting the Government Resolution dated 29.08.2018 to hold that the extension in age provisions are operational only till 31.05.2023 and as such the Applicants' date of retirement is till the time the Applicant have attained the 58 years of age. It is stated that, the impugned proviso violates the doctrine of reasonable classification due to the

No. of Correction On this Page vil arbitrary nature of the different Government Resolutions that extended the Age of Superannuation from 60 to 62. These Resolutions have conferred benefits upon a specific group of individuals, while lacking an intelligible differentia or a rational basis for differentiation. This arbitrary treatment, without any valid justification, runs contrary to the principles enshrined in the Doctrine of Reasonable Classification. Hence, the Hon'ble Tribunal should consider the arbitrary nature of the Government Resolutions and set aside the proviso in question and extend the services of the Applicants till they attain the age of 60 years as per the Notification of 23.02.2022.

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

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ADVOCATE & NOTARY KOLHAPUR Regd: No. 4631

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.

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. Copy of Government Resolution dated 01.07.2019 is annexed herewith and marked as Annexure C.

No. of Correction On this Page (*) 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. Copy of Government Resolution dated 09.08.2021 is annexed herewith and marked as **Annexure D**.

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 Service (Pension) Rules, 1982, vide amendment dated 23.02.2022 as published in the official gazette notification Part A No. 4. Copy of the notification of amendment to the Section Rule 10 (1) of the Maharashtra Civil Service

No. of Correction On this Page pil (Pension) Rules, 1982 dated 23.02.2022 is annexed herewith and marked as Annexure E.

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 a composite reading of the Government Resolutions and the recent amendment to the

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Rule 10 (1) of the Maharashtra Civil Service (Pension) Rules, Rule 10, suggests with clarity that where the government servant is due for retirement after 01/06/2022, his age of retirement shall be 60 years.

15. The present Applicant will attained the age of 58 years. That, the proviso reproduced above, in operation with effect from 01.06.2022 was applicable to a group of people granting them an extension in age of retirement to be 60 years. As such, the effect of the said proviso is that the person due for retirement

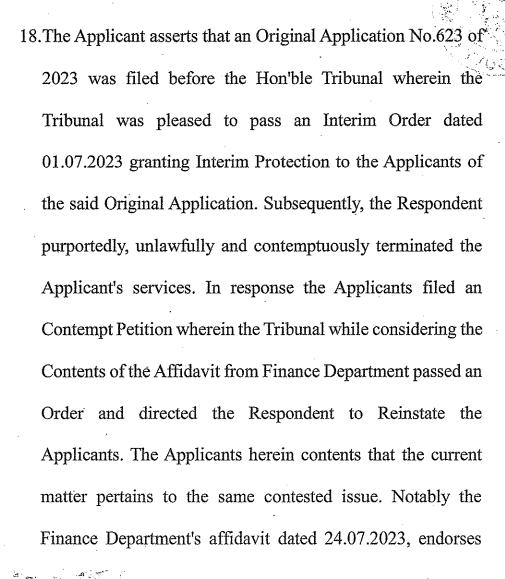
around 01.06.2022 gets the benefit of age of retirement to be 60 years. The Applicant state that, as such they belong to the same cadre, the Applicant is entitled for same benefit and can be made to retire only after completion of 60 years of age. The said proviso is discriminatory to the extent that it says that it shall be in force till 31.05.2023. The Applicant state that the benefit should be extended as it would be discriminatory in nature against the Applicant.

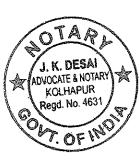
16. The Applicant submit that a bare reading of the last line of the Amendment indicates that the above proviso shall be in force till 31.05.2023, which implies that all the employees due for retirement between 01.06.2022 and 31.05.2023 shall have the benefit of 60 years as their age of retirement, as and when

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they attain the said age. However, the Respondents have misinterpreted the provisions to imply that the age of retirement has been extended only up to 31.05.2023, irrespective of the actual age of the concerned employee.

17. Some doctors had also made appropriate representations to the Respondent authority for extending their retirement age on 05th April, 2023. Copy of such representations made by the Applicant to different competent authorities dated 05.04.2023 are herewith and marked as Annexure F.





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the assertion presented by the Applicant. A copy of the said orders and Affidavit of Finance Department is attached and marked as **Annexure-G**.

19. The Applicant respectfully states that the same issue was challenged by various other Applicants in different Original Applications. These cases were clubbed together, wherein Finance department who has published the Notification has affirmed the interpretation of the Applicants and filled and affidavit affirming the interpretation of the Applicants, after hearing the Application for some time, the Tribunal passed a common order dated 24.09.23 deciding that the Applicant were not eligible for any relief and also vacated the interim protection granted in OA No.623 of 2023. Being aggrieved with the order of the Tribunal dated -24/09/23, the petitioner filed a writ petitions before the Hon'ble High Court. The Hon'ble High Court was pleased to pass an order dated 05/10/2023 in favor of the petitioner and directed the respondents to reinstate the petitioner immediately. A copy of the Affidavits by Finance Department and MAT Tribunal

order along with Hon'ble High Court's order marked as

Annexure-H Colly.

No. of Contection On 被心 Page +'\ 20. After the order was passed, the respondents reinstated the petitioners in the writ petition by an order dated -12.10.23 and 13.10.23, The Copy of the re-instatement orders are marked as **Annexure-I Colly**.



21. The similar issue was placed before this Hon'ble Court in Original Application No.1107, 1121, 761, 1021, 1059, 1297 & 1370 of 2023 wherein the Hon'ble Tribunal was pleased to grant the extension in service to the Applicants till the age of superannuation of 60 yrs. dated 30.10.2023. In Original Applications No.1450, 1477 of 1549 of 2023 an order dated 22.12.2023. In Original Applications 305 and 437 of 2024 an order dated 26.04.2024. The copies of orders dated 30.10.2023, 22.12.2023 and 26.04.2024 are hereto marked as Annexure J Colly.

22. The applicant submits that other applicants have challenged the same issue in an original application before the MAT, wherein it was rejected. Aggrieved by the order dated - 06.10.2023, the petitioner filed a writ petition challenging the order of the Learned MAT. The Hon'ble High Court has reinstated those applicants, and the matter is currently subjudice in the Hon'ble High Court. Attached hereto is a copy

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of the orders from the Hon'ble High Court dated 01.02.2024 as Annexure K.

23. The Applicants respectfully submit that they are challenging the same as the petitioners in the Writ Petition no therefore stand in absolutely same shoes The Applicant therefore prays for the same relief, namely reinstatement in service, on the ground of parity.

24. It is further submitted that the Applicant have contributed majorly in 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.

25. 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 Respondents authorities are acting arbitrary and unreasonably in misinterpreting the Maharashtra Civil Service (Pension) Rules to the disadvantage of the Applicant and the entire region.

26. The Applicant is therefore aggrieved by arbitrary and unreasonable act of Respondent authorities in wrongfully relieving the applicants under the guise of retirement on 31.05.2023 as also in misinterpreting Government Resolutions and newly amended Section 10 (1) of the Maharashtra Civil Service (Pension) Rules, 1982. Being aggrieved by the same, the Applicants are approaching this Hon'ble Tribunal on the following grounds amongst others.



VII. GROUNDS

- A. That, the impugned proviso vide which the Applicant stand retired irrespective of the Age of retirement is completely violate of principles of natural justice.
- B. That, the impugned proviso to Notification dated 23.02.22 retiring the applicants at the age of 58 years is completely violate Article 14,16 and 19 of the Constitution of India, 1950.
- C. That, the aspect of depriving the applicants of extension till 60 years is also violative of Rule 7 of the MCSR (Pension) rules wherein, the Public Health department had failed to take any clarification from the finance

department which is the competent authority as per the statute in determining the age of retirement of the applicants who stand in the same shoes as that of such medical officers who were protected by notification of 23.02.2022 in regard to the retirement benefit.

D.

J. K. DESAI J. K. DESAI ADVOCATE & NOTARY) A KCI-HAPUR Regd. No. 4631 Regd. No. 4631 That, the impugned proviso 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 of 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 like the applicants by applying different age of superannuation as per the administrative exigencies which is completely barred by the doctrine of reasonable classification.

E. It is also a well-established principle in the matter of State of Uttar Pradesh v. Arvind Kumar Srivastav, (2015) 1 SCC 347, wherein the Hon'ble Apex Court held that when a particular set of employees is given relief of the court, all the identical persons seeking similar benefits should be granted the similar relief, since not doing so

No. of Correction On this Page in would amount to discrimination and be violative of Article 14 of the Constitution of India, 1950.

That the state government lost sight of the fact that the age of state government employee cannot be determined on the basis of validity and expiry of a law having come into force as what is sought to be done by the Respondents by not giving benefit to the applicants as they turn 58 after 31.05.2023 inter-alia for a reason that such proviso is sought to be in force till that particular date completely ignoring the fact that the validity of such proviso or its expiry shall not govern the age of superannuation of the Applicant.

G. The Applicant submit that the age of retirement of all employees in service of the Respondent No. 1 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 as on 01/06/2022, in accordance with



F.

the amendment of the year 2022 to Maharashtra Civil Service (Pension) Rules – Rule 10 (1). Hence, the Applicants' date of retirement on attaining age of 58 years is therefore arbitrary and illegal and deserves to be quashed and set aside.

H.

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Without prejudice to the above ground, the Applicant further submit that even a bare perusal of Government Resolution dated 29.08.2018, demonstrates that for all the employees, due for retirement between 31.05.2018 to 31.05.2023, the age of retirement has been raised from 58 years to 60 years. As a consequence, the Applicants' age of retirement also ought to be been extended to 60 years, as they were due for retirement in regular course at the age of attaining 58 years. The Applicant therefore, submit the decision of the Respondent authorities to retire the Applicant at the age of 58 years instead of 60 years suffers from irrationality and unreasonableness apart from being violative of Maharashtra Civil Service (Pension) Rules, 1982.

I. The Applicant is also challenging the constitutional validity of Rule 10 (1) to the extent that it raises the age of retirement only till 31.05.2023. The Applicant submit



J. K. DESAI ADVOCATE & NOTARY A KOLHAPUR Regd. No. 4631 COLT. OF 189 Applicant also submit that there is no intelligible differentia in excluding the employees like applicants due for retirement beyond 31.05.2023 from the extension of retirement age of 60 years. The action and intention of the legislature to restrict the extension of retirement only till 31.05.2023, is therefore unreasonable, irrational and violative of the fundamental right of the Applicants under Article 14, 19 and 21 of the Constitution of India and the same deserves to be quashed and set aside to the extent of time limitation put thereupon till 31.05.2023.

J. The Applicant submit that the Respondents have decided to retire the Applicant for having attained the purported age of superannuation as 58 years. The Applicant is lawfully entitled to function till the time when they shall attain the age of 60 years, which is their statutory right under the Maharashtra Civil Service (Pension) Rules, 1982 as per the amendment of 23.02.22 which was wrongfully curtailed on 31.05.2023. 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

A STATE OF

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period when they attain the age of 60 years with immediate effect.

It is pertinent to note that the Hon'ble High Court, Bombay in the Writ Petition No.14354, 15093 and 17132 of 2024 was pleased to protect the services of the petitioners till their respective date of superannuation at the age of 60 years. As the Applicant before the Hon'ble Tribunal stands with parity with respect to the aforesaid Petitioners, she is praying for the similar relief. Copy of the orders dated 15.10.2024, 24.10.2024 and 29.11.2024 is hereto marked as **Annexure L Colly.**

L. 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 M Colly.

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M. That many medical officers will be retiring after attaining the age of 58 years wherein once retired, it shall create a vacuum in the medical system of the State 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 Applicants. Therefore, in view of the interest of people at the large, urgent reliefs needs to be granted in favour of the Applicant.



- N. That the State Government is initiating new health programmes for the citizen like 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 the same, then the entire system will collapse. Therefore, the Applicants' services need to be protected.
- O. The Applicant have no other alternate, efficacious or speedy remedy except to approach before this Hon'ble Tribunal by way of present Original Application.
- P. The Applicant crave 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.

- Q. The Applicant have not received any notice of caveat from the Respondents till this date.
- R. The Applicant undertakes to supply English translation of
 Marathi documents as and when required by this Hon'ble
 Tribunal.

VIII. RELIEFS SOUGHTS

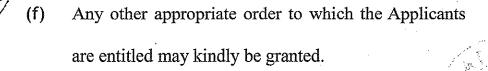
- (a) Original Application may kindly be allowed;
- of the Applicants till 60 years, as has been done for different doctors by various Government resolutions and also Notification dated 23.02.2022 issued by the finance department and grant the same benefits to the Applicants thereby quashing the respective retirement order of the applicants if they are issued with the same.
- (c) This Hon'ble Tribunal be pleased to declare the proviso to clause (iv) to Notification dated 23.02.2022 unconstitutional to an extent it is discriminatory and fails to extend the benefit of retirement to 60 years to the present Applicant since such benefit being ending on 31.05.2023.
- (d) In the eventuality, of the Applicant being deemed to be relieved by the Respondents, this Hon'ble Tribunal be

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pleased to reinstate and continue in the services of the Applicants with immediate effect and with continuity in their service without any break till they attain 60 years of age.

(e) This Hon'ble Tribunal be pleased to declare the Age of retirement for the post of Medical officers in relation to the Applicants as 60 years.



(g) The costs of the case may kindly be granted in favour of Applicants.

IX. INTERIM RELIEF SOUGHT:-

- (i). Pending the hearing and final disposal of the present original application, the Hon'ble Tribunal be pleased to allow the Applicants to continue in their services/reinstate till the final disposal of the Original Application and also till they attain age of 60 years.
- (ii). Grant stay to the effect, operation and implementation of such notification which relieves the Applicant on attaining the age of 58 years by giving effect to proviso to Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982,

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during the pendency of the present original application till further orders of this Hon'ble Tribunal and also till they attain superannuation age of 60 years.

- (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.



Grant any other relief be made fit and proper in the circumstance of the case in favour of the Applicant.

PARTICULARS OF INDIAN POSTAL ORDER:

i] Number :-

No. of Correction
On this Page (-i/

ii] Date :-

Applicant

Or Supsiya Fakirrao Deshmuth

Desai Legal

Advocate for Applicant

Place: Mumbai

Date : 19/12/2024

VERIFICATION

I, Dr.Supriya Fakirrao Deshmukh, Age.: 57 yrs., Occ.: Service, R/o. At Post: Plot No.40, Chavan Colony, Opp.Kalamba Jail, Devkar Panand Road, Kolhapur – 416 007., the Applicant, do hereby state and declare on solemn affirmation that whatever is stated in the paragraph no. _\ \ to _26 _is true and correct to the best of my knowledge and whatever stated in rest of the paragraphs are the legal submission and I believe the same to be true.

J. K. DESAI
ADVOCATE & NOTARY
KC! HAPUR
Regd. No. 4631

Solemnly affirmed at

This I 6 day of person 2024

Before me,

who is identified befour me

by

whom i presontally konw

This 16 day of Dec 2024

Applicant

\$3 - P.

Advocate for Applicant

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Dr. Supriya Fathroo Desh mukh

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Solemnty affirmed befoure me by or. Syrriya Fakiro Derman

Jaywant Kakasaheb Desai Advocate & Notary

Chavan Colony, Post. Kalamba, Kolhapur

Notary Reg. Sr. No. 85 12024

त्तार्वजनिक आरोग्य विमागातील आरोग्य संवा तंवालगालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कानगार विना योजनेवील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ नवील वैद्यकीय अधिकान्यांचे सेवानिवृत्तीचे वय ५८ वरुन ६० वर्षापर्यंत वाडविणेबाबत....

नहाराष्ट्र शासन सार्वजनिक आरोग्य विनाग शासन निर्णय क्रमांकः सेवानि-१५१८/प्र.क.१६८/सेवा-२ गोकुळदात्त तेजपाल चंग्णालय संकुळ इमारत, १० वा मजला मंज्ञालय, मुंबई-४०० ००९ दिनांकः २९ ऑगस्ट, २०१८

ब्रुख्यः ::

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सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांका सेवानि-१८१५/प्र.क.२१६/तेवा-२,

रं) सार्वजनिक आरोग्य विभाग, शासन पत्र क्र. सेवानि-१५१८/प्र.क्र. १६८/सेवा-२, दि. ३१.०५.२०१८ सार्वजनिक आरोग्य विमाग, शासन पत्र क्र. सेवानि-१५९८/प्र.क्र. १६८/सेवा-२, दि. ३०.०६.२०९८

४) मंत्रीमंडळाचे सचिव याँचे दि. ३१.०७.२०१८ चे पृष्ठाकन

(मंत्रीमंडळ बैठक दि. १९° ०७ २०९८ विवस क्रमाँक ९ कार्यवृत्त)

= राज्याच्या सार्वजनिक आरोग्य विवागाकजून सामान्य रुग्णालये, उपजिल्हा रुग्णालये, ग्रामीण रुग्णालये राज्य कामगार विमा रुग्णालये चामधून रुग्णांना आरोग्य स्थित्रं पुरिवण्यात येतात. तथापि, सदर रुग्णालयातील ्वैद्यकीय अधिकारी व वरीष्ठ अधिकाऱ्यांच्या कमतरतेमुळे रुश्वाना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अडवणी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषञ्च पदासाठी प्रयत्न करुन 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 विना योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मदील वैद्यकीय अधिकारी व (वेतनबैंड रु. १५६००-३९१०० ग्रेड मे रु. ५४०० व स्यावरील सर्व) कार्यरत अधिकाऱ्यांचे सेवानिवृतीचे वय ५८ वरुन ६० वर्षापर्यंत वाट्विण्याचा निर्णय शासनाने घेतला होता. तसेन्न सदर निर्णय हा दि. ३१.५.२०१५ पासून पूर्वलक्षी प्रमानाने तीन वर्षासाठी लागू करण्यात आला होता. तथापि, आरोग्य सेवा संचालनालयातगैत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मदील अधिकारी मोठया प्रमाणात सेवानिवृत्त होत असल्याने त्याचा वैद्यकीय सेवेवर परिणाम होक नये म्हणून दि. ३१.०५.२०१८, दि. ३०.०६.२०१८ व दि.३१.७.२०१८ रोजी आरोग्य सेवा संचालनालयातर्गत महाराष्ट्र वैद्यकीय वे आरोग्य सेवा, गट-स व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ नघील अधिका-यांनी जरी वयाची ५८ वर्ष पूर्ण केली असली तरी ज्यांचे वय ६० वर्षापेक्षा कमी आहे अशा सधिकाऱ्यांना सेवानिवृत्त न करता त्यांच्याबावतीत मंत्रीमंडळासमोर सेवानिवृत्तीचे वय वाढीचा प्रस्ताव सादर करण्याच्या अटीच्या अधीन राहुन त्यांच्या वयाची ६० वर्षे पूर्ण होईप्यंत शासन सेवेल ठेवण्याबाबत निर्णय घेण्यात आला आहे. ही बाब विवारात घेसन आरोग्य सेवा



शासन निर्णय क्रमांकःसेवानि-१५१८/प्र.क.१६८/सेवा-२

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

शासन निर्णय:-

सार्वजिनक आरोग्य विमागातील आरोग्य सेवा संचालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मदील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६००) व जिल्हा शल्यविकित्सक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संवर्ग (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६००) नधील पदे व वरिष्ठ पदे (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ६६०० वर्डील) व राज्य कामगार विमा ग्रोधनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतनबँड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व वैद्यकीय अधिकान्यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षापर्यंत वावविण्याचा शासनाने निर्णय घेतला आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्वलक्षी प्रमाचाने पाच वर्षासाठी (दि. ३१.५.२०२३ पर्यंत) लागू राहील, मात्र वेतनबुँड रु. १५६००-३९१०० ग्रेड वेतन रु. ५४०० व त्याहून अधिक ग्रेड वेतन घेणाऱ्या आरोग्य सेवा संचालनालय व राज्य कामगार विमा योजनेतील वेद्यकीय अधिकारी (गट-अ) व वरिष्ठ पदावरील अधिकारी वगळता अन्य अधिकार्याना हा शासन निर्णय लागू राहणार नाही.

- ३- महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम १० मध्ये यथावकाश सुघारणा केर्ण्यात येईल.
- ४. चदर शासन निर्णय क्ति विभागाच्या अनीपचारिक संदर्भ क्र. १८०/१८/सेवा-४, दि. २७.०८.२०१८ अन्वये प्राप्त झालेल्या सहमतीने निर्गमित करण्यात येत आहे.
- ५. सदर शासन निर्णय महाराष्ट्र शासनाच्या <u>www.maharashira.gov.h</u>र या संकेतस्यळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१८०८२८१३१०४३५८१७ असा आहे. हा आदेश डिजीटल स्वासरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नादाने.

Vishnudas Pundlikrao Ghodke

Digitally signed by Vishmadas Purelliese

Ditcolit, or Government Of Hebrarahin, our build: Health Department, posts Code-20002, wide branching, 2.54.20±5; 442-5346-67 (69):553-26-51-518 935677-95458-955-68-10068-953-68-6 pate: 2016.08.29 1127-57 487-20*

(वि. पूं. घोडके)

अवर समिन, महाराष्ट्र शासन

प्रत,

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



पृष्ठ ३ पैकी २

शासन निर्णय क्रमांकःसेवानि-१५१८/प्र.क.१६८/सेवा-२

- ४. मा. मंत्री (आरोग्य/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सचिव
- ५. आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अनिवान, मुंबई
- ६. आयुन्त, राज्य कामगारं विमायोजना, मुंबई
- ७. मुख्य कार्यकारी अधिकारी, महात्मा फुले जीवनदावी आरोग्य योजना, मुंबई
- ८. प्रकृत्य संवालक, महाराष्ट्र एड्स निवंत्रण सोसायटी नुंबई
- ९. जिल्हाविकारी (सर्व)

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- मुख्य कार्यकारी अधिकारी, ज़िल्हा परिषद (सर्व)
- संचालक, आरोग्य सेवा, आरोग्य सेवा संचालनालय, मुंबई 90
- 99 अतिरिक्त संचालक, आरोग्य सेवा (सर्व) 43
- सह संचालक, आरोग्य सेवा (सर्व) 93
- उपसंचालक, आरोग्य सेवा (त्तर्व) 9
- जिल्हा शल्यचिकित्सक (चर्व) ęų
- जिल्हा आरोग्य अविकारी (सर्व)
- महालेखापाल, (लेखा व अनुक्षेयता), महाराष्ट्र-१/२, नुंबई/नामपूर 98 -
- महालेखापाल, (लेखा परीखा), महाराष्ट्र-१/२, मुंबई/नागपूर 919
- 96 अधिदान व लेखाअधिकारी, मुंबई . ٩ę
- ' जिल्हा कोषागार अविकारी (सर्व)
- उपसचिव, सेवा-४, विस विनाग, नंत्रालय, मुंबई S٥
- 79 सर्व मंत्रालयीन विसाग, मंत्रालयं, मुंबई
- 25
- सहस्तिव/उपसचिव/अवर सचिव/कक्ष अधिकारी, सार्वजनिक आरोग्य विमाग, मंत्रालय, मुंबई 73
- 양 निवड नस्ती-सेवा-२ **२**५



मि- डॉ (स्पे) सुप्रिया प्राक्टिस्सव द्यासूत्रव
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का मामा पता - थे पी के देनाई कारण -
(व) पोषित केलेले स्प्राम व पता'- 'ट्याया ' र्वाया '
अ) तथावा पता - थे० पी. के देन्नाई क्टब्स्व जार्गारी जि. को व्हापुर अ) व) पोषित केलेले स्वमाम व पता - 'ट्याया।' प्रार्ट्गांय रीड -ट्याकीर्न्नाव व) जि. मुळागांव
कार्य मात्र व ग्रहणाचे विकास स्ता. फाकिरराव ,नान्यातम देखागरव
विद्विशंधे नाव व राहण्याचे विकाण - नाकीरनाम् किरानिक किरानिक विकास किरानिक किरानिक विकास किरानिक विकास किरानिक विकास किरानिक विकास किरानिक किरानिक विकास किरानिक विकास किरानिक विकास किरानिक विकास किरानिक किरानिक विकास किरानिक विकास किरानिक विकास किरानिक किरानिक किरानिक किरानिक विकास किरानिक क
जिन्दिनांक नक्की करून तो खिस्ती सनाप्रमाणे ५७/२). १८६७
हुन िहिता येईल तेवढा अच्छा लिहावा.
तितात रंगे - 9 ह र "(cm)
ा उपराम नाजावर ताज.
्रि <i>्रीमेञ्डण्यासाठी अंगावरील खुणा —</i>
(ज) नियुक्तीच्या वेळवी शैक्षणिक अर्हता - ग्रेसि. अरं जि स्टिन डि. इते हैं उते हैं इसे सिर्मा है।
(ज) नियुक्तींच्या वेळ्यी शैक्षांणिक अर्हता – श्रेट्सा अर्स अर्थ की स्टिन् डी उने उने उने उने उने प्रमार्थ (व) नियुक्तीनंतर प्राप्त केलेली शैक्षणिक अर्हता – १९९० १९९५
4 2/ = 1.66696 2FT el9/29 mE2
7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
Sealler
िलालीय कर्पवाऱ्याची दिनांकित सही -
(2(5)(3)(5)
क्रमंक १ ते ९ मधील नोंदी तपासल्यावद्दल कार्यालय प्रमुखावी अगुल इतर कोणत्यारी सांबांकन अधिकाऱ्याची , शिल्हा आरोग्य शाद्यकारी
रिनांकित सही व पदनाम.
विवासीय तपासणीचा अहवाठ - क. 309/ १६.१ ९ ५२००३
(एक) प्रमाणपत्र क्रमांक व दिनांक - (रोन) प्रमाणपत्र देणारा अधिकारी व त्याचे पदनाम - प्रस्मिटेट व्हेटिएका मेडीकल बार्ड, सार्ग हार्गिटिएक
्या पृष्ठावरील नोंदी प्रत्येक पाच वर्षानंतर नव्याने करण्यात पाव्यात किया त्या पुन्ता ए::गंकित करण्यात पाव्यात.
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तहाराष्ट्र वैष्तीय व आरोग्य तेया, अर्ग-२ नामनिदेशनाने नियुक्ती जा छतः

महाराष्ट्र जीतान भावेजनिक आरोग्य विभाग शासन निर्णेष ्र. प्रवेत-१०९५/१४४९/मृ. ४. ३१६/तेवा-३[२७] संत्रान्य, सुंदर्व−४०० ०३२ ए दिनां : १५ नोव्हेंबर, १९९५.

बाबा :- तिविव, महाराष्ट्र नोक्सेवा शाबीग धावि एत है. ४८२/[१०]/१३८४/ दहा, दि. १६ मे १९९५.

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महाराष्ट्र नोजीवा आयोगामङून विफारत वरण्यात आगे त्या तोवतच्या सहयत्रीति एजूण ६२ उवेदवारांची गहारांच्य वैण्लीय व आरोग्य नेवा, वर्ण-२ एए नवर्गायध्ये नरमानिवंशनाने वेतनशेणी ह. २२००-५००० व अनुनेप एत्ते सम्मध्ये निमुल्ली अरण्यात येत आहे. यहाराष्ट्र वैल्जिय व आरोज्य मेजा, चर्म-२ मध्ये नगमनिदेशनाने नियुक्ती साल्यावर या अधिकां-प्राधि वेतन महाराष्ट्रानगरी लेवा .. [वेतन] नियम १९८१ मधीन तरतृदीनुनार निश्चित के जाईन.

एडरराष्ट्र वैल्कीस व आरोगस् नेना, नर्ग-२ मध्ये वैल्कीस अधिशारी 'सा वदावरीत दोन वर्णच्या प्रसिवीक्षा कानाउँधीतीत या उपेटवर्गयी निधुनी ल्यांनी वैग्डीय व्यथ्यारी या पदावा लार्भभार रुदीकारच्याच्या दिनांकापानून तुरु डोईन. परिवीक्षा कानावधीषधीत वेतनवाट शासनाने विडित क्रेनेच्या नियमर-नुगार राष्ट्रील.

या जोदधारांची नियुक्ती खालील शतींच्या आधीन राहील :-

अ] महाराष्ट्र वैल्कींय व्यावसायिक अधिनियम १९६१ अधवा यहाराष्ट्र वैनकीय प्रतियद अधिनियम १९६५ खाली आपत्या नांवाची नोंदणी आधी देनी नगल्यात रहेंबा धारतीय वैद्याप्य नोंद्वहोयध्ये नोंद अत्तो नतल्यास अशो नोंद्र हटाने हरून छेतनी पाहिंगे.

त] पुरुष देणशीय शिविशा-यांना एक पतनी हथात असतांना दुसरा वियाह फरता विणार नाही. ततेव महिना वैग्वीय अधिका-पाना परनी हणात अनेल्या पुरुषाकी विभाद ज्यता वेणार नाही.

वी एक पहिन्याची नुवना दिल्या शिथाय अगर एक पहिन्याची आभाउ वेतनवृती केन्द्रपविचार स्थाना नेपापुति होता वेणार नाही.

ह] ेंड्र जापनाने चिहित होत्या प्रतियर बार वर्षाच्या तालावधी, जरिता [पृतिभव अस्तावधी धरम] यहर पंत्रमान भारत तरतव विमध्ये विधा मेरस्य तेनेती तंबीधत क्या पदावा त्यांना भाग कराचे नागेल. हे ता मिला तेवेच्या पहिल्ला वहर दर्भापति वर्गातित राहीत्व ए५ वर्षे वयानंतर प्रवेताधारण नरम् होणार नामी.

[g. qr. q.]

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94 10 a ह] न्साना आगान विन्ति न्स्तील त्यापुन्ते ह शाना धार दा तो नानेन

क) या उपेटवाराम शानन नेवेत वणीताली ५ वर्ष राष्ट्रण्याचे गिर्नेत ते न ग्रान्यान रू. ५००/- श्गर श्मानत विद्वित वरीज ती राज्य वंड स्ट्रूप देण्याचे तमेच इतर तेथा शतीच्या पूर्वतेतंवंधी वंध्यन जिहून गाने नानेन.

न प्रतिवोशाधीन जानावधीत कामावा अने हित हर्जी प्राप्त न डेन्टाज ततेव हिंदी, मराठी व विद्या विभागीय परीक्षा जर काडी उपल्यान परिवोक्षा कालावधीयध्ये उत्तीर्ण न डेन्यान आणि अभा त-हेने एक्षि जाव दिवा वर्तणुक अधोग्य अथ्या अनुस्य आध्वन्थान विद्न कोपतीडी पूर्वत्वा न देता क्षी क्रण्यान पात्र उरतीत.

ह] यर उल्लेख केनेल्या अटी शिवाय महाराष्ट्र शांतन तेवेत अनोल्या इतर त्र्येग्रारीवर्गाना नागू पडणारे इतर नियमतुष्दा या उमेदवाराना लागू राहील.

थ. ्ही नियुक्ती महाराष्ट्र पृजातकीय न्यायाधिकरण, हुंबई येथे बादन करण्यात अतेल्या उर्त हु. १०८४/९५ उंबंधी होणा-या अंतीम निर्मणांच्या अधीन साहून वरण्यात येत आहे.

५: उमेदवारांची पहतथावना त्यांच्या नांवातमीर नमूद करण्यात गाती आहे. उमेदवारांनी हे शादेश निर्मायत शानेत्या दिनांशायाचून एक बहिन्यापर्यंत त्यांनी त्यांच्या नेयणुदीच्या फिलाणी हनू रापने गाहिते. अन्यया त्यांच्या नेवा तावडतीच प्रमाप्त करण्यात वेतील.

ह. तो क्रीया आयोगाने दिनेल्या पसंनी उमांकानुसार न्यांचे देक्वते-नंनिकी आहेश नंतर निर्माणित उरण्यात येतीन. उमेददाराया लोकनेया अपयोगाने दश्चिनेला पसंती अपांक त्यांच्या नांधातमोर नमूद देना आहे.

अनवायक अधित्वाना महाराष्ट्र भातनाच्या राजकशात प्रसिध्द जरणगरत याची.

महाराज्याचे राज्यात यांच्या आदेशानुहार व नांवाने,

[भा.धा.विकी] इस अधिवारी

पृति,
सिविव, भराराष्ट्र नोबोबा एपवीम, मुंगई (पत्राहारे)
संवातब, पारोगण ोबा, मुंगई,
सर्व उपलंबात , पारोगण पेटा, पंत्र प्रमुख नवं नित्रा बोगलगर अधिकारी सर्व दिल्ला अपलेबच अधिकारी, तिल्ला परिनंद सर्व दिल्ला अपलेबच अधिकारो, तिल्ला परिनंद सर्व दिल्ला अपलेबच अधिकारो, तिल्ला परिनंद सर्व दिल्ला अपलेबच अधिकारो,

			3
	र्हे (ती) पहुंचरा वित्रध कीरपडे हो का का क्षित कीरपडे "मन्त्रेजी" पुन्ती वाहुनी तन उन्नम्पूर, चिन्हांगती	[२५६]	गामीण रुग्णन्त्य हात्रंप्याने, जि. होत्हासूर.
	डारॅ अतृत विद्यापृष्य सङ्गायका १-ब जिथसाय ठूडण संदृत घरपुरे छोट तेन अभोक स्तंभ ,नाजिल	[88]	गासीय हरणात्वध, नेठ जिल्हा नगतिक
U a]	डार चिनोद उपार्कर घाटन प्लॅंट के १५, गंगलपूर्ती अपार्टमेंट मौर्य तोतापटो, अमोक नगर तन्तपूर, ना क्षि छ	[885]	प्राथमिक आरोग्ध केंद्र विणी जिल्ला ना जिल्ल
88]	डारं प्रकाति थाः प्रणार मु. पो. ताः कळ्यण, जि. ना क्षिकं	[222]	प्राथनिक आरोग्यकेंद्र दिंडोरी , जि.नटिंकि
살역]	डार (श्रीयती)राणिणी राज- ताहेब अनभुले अनभुले दंगला, हाँटेल नेगदान जञ्ज, तरोडी रोड, अहमदनगर- ४१४००१.	[60]	प्रा.अंग.केंद्र तेंडेगांव, चि.अहमदनगर.
((, 98)	डा पुनिल जननामान पोउपी ६८२५, वित्तते रोड, अडगदनगर-४१४००१.	[२ ५ ४]	प्राच्या को हुट, जि. अहमदनगर
8b] [*]	डारं कल्वरण जी. भोराते वैद्यानित आधिकारी तर्गर, सन्याम्य स्मणंत्रसम्, अहमदनगर	, [303]	सागान्य रुग्णाल्य पि. अहमद्धनगर.
98]	डारेनियम अंगर देवरे १२५, अम्दर्भ क्लेम्स, देलूर दुळे ७२७ क्लेश	[\$0]	प्रा.शाः बेंद्र इतर वोरोस, जिल्लीकः यागासामीया- साठी राखीय / पदांपर
48	डिने (श्रीतिती) है एंग्रेया क्योर राज दे हैं है. "एएपा" अडगरेंड रोड, जिली तमरेंड, कि. वळगरेंड एर्प्प २१	· [485]	भारतीण रुग्धातव बाधनेर वि. जङ्गावि

(0,

सार्वजनिक आरोग्य विमागातील आरोग्य सेवा संवालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ व राज्य कामगार विमा योजनेतील नहाराष्ट्र वैद्यकीय विमा सेवा,गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६० वरुन ६२ वर्षापर्यंत वादविणेबाबत....

महाराष्ट्र शासन सार्वजनिक आरोग्य विमाग ज्ञासन निर्णय क्रमांकः सेवानि-१३१९/प्र.क्र.४८/सेवा-२ गोकुळदास तेजपाल रुग्णालय संकुल इनारत, १० वा मजला मंत्रालय, मुंबई-४०० ००९ दिनांकः ०१ जुलै, २०१९

वाचा :-

१) सार्वजनिक आरोग्य विमाग, शासन निर्णय क्रमांका सेवानि-१९८/प्र.क.१६८/सेवा-२,

2) आरोग्य सेवा संचालनालयाचे पत्र क्र.संआसे/कश्च-१/टे-१/गट-अ/सेनिवय/६९०-६५/वैअ/ १८२३/२०१९ दि. १६.०५.२०१९

राज्याच्या सार्वजनिक क्षारोग्य विमागाकडून सामान्य रुग्णालये, सपजिल्हा रुग्णालये, ग्रामीण प्रस्तावना := च्यणालये राज्य कामगार विमा च्यणालये यामधून च्यणांना आरोग्य सुविधा पुरविण्यात येतात. तथापि, सदर रुग्णालयातील वैद्यकीय अधिकारी व वरिष्ट अधिकान्यांच्या कमतरतेमुळे रुग्णाना वेळेत योग्य आरोग्य सुविधा पुरविण्यात अंडचणी निर्माण होत आहेत. वैद्यकीय अधिकारी तसेच विशेषञ्च पदासाठी प्रयत्न करुन 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 राहतं असून त्याचा राज्यातील रुग्णसेदेवर विपरित परिणाम होत आहे. त्यानुसार त्तार्वजनिक आरोग्य विमाग शासन निर्णय दि.२९.८.२०१८ नुसार आरोग्य सेवा संवालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ नघील वैद्यकीय अधिकारी (वेतनबैंड रु. १५६००-३११०० ग्रेंड पे रु. ५४००) व जिल्हा शल्यविकित्तक, जिल्हा आरोग्य अधिकारी व विशेषज्ञ संवर्ग (वेतनबैंड रू. १५६००-३९१०० ग्रेड पे रु. ६६००) मधील पदे व वरिष्ठ पदे (वेवनवेंड रुं. १५६००-३९१०० ग्रेड पे रु. ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतनवैंड रु. १५६००-३९१०० ग्रेड पे रु. ५४०० व त्यावरील सर्व) वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ५८ वर्षावरून ६० वर्षापर्यंत वाढविण्याचा शासनाने





निर्णय घेतर ? आहे. सदर निर्णय दि. ३१.५.२०१८ पासून पूर्वलक्षी प्रमावाने पाच वर्षासाठी (दि. ३१.५.२०२३ पर्यंत) लागू करण्यात आला आहे.

महाराष्ट्राच्या विविध भागातून विविध सामाजिक संघटना, समाजसेवक, लोकप्रतिनिधी यांनी डॉक्टरांच्या रिक्त पदांबावत चिंता व्यक्त केली असून सेवानिवृत्ती वय वाढविण्याबांबत निवेदने सादर केली आहेत. दैनदिन जीवनात आरोग्य सेदेवे अनन्य सावारण महत्व लकात चेता, रिक्त असणान्या पदांचा विचार करून आणि सेवानिवृत्तीमुळे रिक्त पदांमध्य बाढ होकन जन आरोग्याचा बोका विचारात घेकन महाराष्ट्र वैद्यकीय व आरोग्य सेवा,गट-अ (६ व्या वेतन आयोगानुसार ग्रेड पे रु. ५४०० व त्यावरील) मधील अधिकान्यांचे सेवानिवृत्तीचे वय ६२ वर्षापर्यंत वाढविण्याची बाब शासनाच्या विचारावीन होती.

शासन निर्णय :-

सार्वजिक आरोग्य विमार्गाच्या अधिपत्याखालील आरोग्य सेवा संवालनालयावील महाराष्ट्र वैद्यकीय व आरोग्य सेवा,गट-अ मबील संवालक, अतिरिक्त संवालक, सहसंवालक, उपसंवालक व जिल्हा आरोग्य अधिकारी यांचे कार्यालयाचा तसेव राज्य कामगार विमा योजना कार्यालयावील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संवालक (वैद्यकीय), उपसंवालक (वैद्यकीय), वैद्यकीय अधिक्षक (निम्नश्रेणी) यांचा समावेश प्रशासनिक सेवेमध्ये करण्यात येत असून, सदर विकाणी 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 संवालनालयातर्गत 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) व राज्य कामगार विमा योजना कार्यालयातील य २ वर्षासाठी ६० वरुन ६२ वर्षापर्यंत अधिकारी थेट रुग्णसेवा देतात त्या अधिकार्यांचे सेवानिवृत्तीचे वय २ वर्षासाठी ६० वरुन ६२ वर्षापर्यंत (दि. ३१.५.२०२१ पर्यंत) (दि. ३१.०५.२०१९ पासून पूर्वलक्षी प्रमावांने) वाढविण्यासंबंधीचा प्रस्ताव मा. मंत्रीमंडळासमोर सादर करण्याच्या अधीन सहून त्यांच्या वयाची ६२ वर्ष पूर्ण होईपर्यंत त्यांचा शासन सेवेत ठेवण्याचा निर्णय घेतला आहे.

- ३. सदर शासन निर्णय हा प्रशासनिक पदावर कार्यरत असलेल्या वैद्यकीय अधिकान्यांना लागू राहणार नाही. जे वैद्यकीय अधिकारी रुग्णसेवा देण्यात येत असलेल्या पदावर कार्यरत राहतील त्यांनाव 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 अन्वयं आरोग्य सेवा संवालनालयातील महाराष्ट्र वैद्यकीय व . आरोग्य सेवा, गट-अ मधील वैद्यकीय अधिकारी (वेतनबँड रु. १५६००-३९१०० ग्रेड पे .रु. ५४००) व जिल्हा

पुष्ठ ४ पैकी २

शल्य विकित्तक, जिल्हा आरोग्य अधिकारी व विशेषञ्च त्तंवर्ग (वेतनबैंड 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 (वेतनबैंड रु. १५६००-३११०० ग्रेड पे रु. ५४०० वं त्यावरील त्तर्वं) वैद्यकीय अधिकान्यांचे सेवानिवृत्तीचे वय ५८ वरुन ६० वर्षे दि. ३१.५.२०१८ पासून पूर्वलकी प्रमादाने पाच दर्शासाठी (दि. ३१.०५.२०२३ पर्यंत) लागू करण्यात आले आहे. सदर शासन निर्णयातील तरतृदी या पुढेही तशाच लागु राहतीलं.

- सदर शासन निर्णय वित्त वियांगाच्या अनौपचारिक संदर्भ क्र. १०४/१९/सेवा-४, दि. ०६.०६.२०९९ अन्वये प्राप्त झालेल्या सहमतीने निर्गमित करण्यात येत आहे.
- सदर ज्ञासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१९०६२९९००३५४९०१७ असा आहे. हा आदेश डिजीटल स्वासरीने सामांकित करन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आवेशानुसार व नावाने.

Vishnudas Pundlikrao Ghodke

(वि. पुं. घोडके) सवर सचिव, महाराष्ट्र शासन

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- १. मा. राज्यपाल यांचे सचिव
- २. मा. मुख्य सविव महाराष्ट्र राज्य
- ३. मा. मुख्यमंत्री यांचे प्रधान समिव
- 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 विना योजना, मुंबई
- ७. मुख्य कार्यकारी सविकारी, महात्मा फुले जीवनदायी सारोग्य योजना, मुंबई
- ८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
- ९. सह पोलीस आयुक्त (प्रशासन), पोलीस आयुक्त कार्योलय, मुंबई
- जिल्हाधिकारी (सर्व)
- मुख्य कार्यकारी अधिकारी, जिल्हा परिषद (सर्व)

पृष्ठ ४ पैकी ३



वाचन निर्मय स्थान-१३१९/मळ४८/शेवा-२

92.	संघालक, सारोग्य सेवा, आरोग्य सेवा संचालनालय; मुंबई
93.	अतिरिक्त संचालक, आरोग्य सेवा (सर्व)
98.	सह संवालक, आरोग्य सेवा (सर्व)
14	उपसंचालक, आरोग्य सेवा (सर्व)
·9Ę.	ंजिल्हा शल्यिमिकित्सक (सर्व)
9(g	जिल्हा आरोग्य अधिकारी (सर्व)
٩٤. ٔ	पोलीस शस्य चिकित्सक, नागपाडा पोलीस रुग्गालय, नुंबई
٩९.	महालेखापाल, (लेखा व अनुक्षेयता), महाराष्ट्र-१/२, मंबई/नागपर
₹0.	नहालेखापाल, (लेखा परीक्षा), अहाराष्ट्र-१/२, बुंबई/नागपुर
₹٩.	अधिदान व लेखाअधिकारी, मुंबई
₹₹.	जिल्हा कोषागार अधिकारी (सर्व)
₹₹.	जमसचिव, सेवा-४, वित्त विभाग, मंत्रालय, मुंबई
28.	सर्व मंत्रालयीन विमान, मंत्रालय, शुंबई
રૂષુ.	प्रधान सचिव (सा.आ.) यांचे स्विय सहायक
२६.	सहस्रमिव/उपसंचिव/अवर सचिव/कक्ष अधिकारी, सार्वजनिक क्षारोग्य विमाग, मंत्रालय,
	नुंबई ·
₹3.	निवड नस्ती-सेवा-२



ਕਬ ਦੇ ਹੈਂਨੀ ਸ

त्तावंजनिक आरोग्य विनागाच्या आव्ष्रित्याखालील आरोग्य सेवा आयुक्तालयातंनीत महाराष्ट्र वैद्यकीय व सारोग्य सेवा, गट-अ व राज्य कानगार विना योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी व वरिष्ठ पदावरील सर्व कार्यरत अधिकान्यांचे सेवानिवृत्तीचे वय ६२ वर्षापर्यंत वाढविण्याबाबत....

महाराष्ट्र शासन .सार्वजनिक आरोग्य विमाग शासन निर्णय क्रमांकः न्यायप्र-३०१८/प्र.क.२५४/सेवा-२ गोकुळदास तेजपाल चग्णालय संकुल इमारत, १० वा मजला मंत्रालय, मुंबई-४०० ००१ दिनांकः ०९ ऑगस्ट, २०२१

वाचा :-१) सार्वजनिक आरोग्य विभाग, शासन निर्णय क्रमांकः : सेवानि-११८/प्र.क.१६८/ सेवा-२

२) सार्वजनिक आरोग्य विमाग, शासन निर्णय क्रमोक : सेवानि-१३१९/प्र.क. ४८/सेवां-२,

सार्वजनिक आरोग्य विमाग, शात्तन निर्णय क्रनांक : सेवानि-१३१९/प्र.क. ४८/सेवा-२,

क्ष सार्वजनिक आरोग्य विमाग, शासन निर्णय क्रमांक : न्यायप्र-३०१८/प्र.क. २५४/सेवा-२.

मा. भंत्रीमंडळ सचिव यांचे दि.२९.०७.२०२१ चे पृष्ठाकन (नंत्रीमंडळ बैठक दि. १४.०७.२०२१ विषय क्रमांक-५ कार्यवृत्त)

शासन निर्णय :-

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राज्यात कोरोना साथरोग् संसर्गाचा प्रादुर्मात पूर्णपणे यांबलेला नसून नजीकच्या कालावधीत तिसरी लाट येण्याची शक्यता नाकारता येत नाही. यास्तव त्यावर नियंत्रण मिळविण्याच्या दृष्टीने चपाययोजना करणे व त्याची अंमळबजावणी करण्याच्या दृष्टीने सार्वजनिक आरोग्य विमागाच्या अधिपत्याखालील आरोग्य सेवा आयुक्तालयातर्गत महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-झ मधील वैद्यकीय अधिकारी (वेतन मॅट्रोक्स मधील वेतन स्तर एस-२० : ५६१००-१७७५००) व वरिष्ठ पदावरील (वेतन मॅट्रीक्स मधील वेतनस्तर एस-२३ : ६७७००-२०८७०० व त्यावरील) सर्व अधिकारी तसेच राज्य कामगार विमा योजनेतगंत महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेतन मॅट्रीक्स मधील वेतन स्तर एस-२० ; ५६९००-१७७५००) व वरिष्ठ पदावरील सर्व कार्यरत अधिकारी यांचे सेवानिवृत्तीचे वय एक वर्षासाठी ६२ वर्षापर्यंत वाढविण्याचा निर्णय मा. मंत्रिमंडळाची कार्योत्तर मान्यता मिळण्याच्या अधीन राहून शासन निर्णय दि. ३९.०५.२०२९ अन्वये घेण्यात आला साहे. सदर शासन निर्णयास मा. मंत्रीमंडळाने कार्योत्तर मान्यता दिली :

तसेव, महाराष्ट्र वैद्यकीय व आरोग्य सेवा,गट-अ व महाराष्ट्र वैद्यकीय व विमा सेवा,गट-अ मधील आहे. दैद्यकीय अधिकारी व वरिष्ठ पदावरील दैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय वाढीच्या अनुवंगाने वित्त विभागाने महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम १० मध्ये आवश्यकती सुधारणा

शासन निर्णय क्रमीकः न्यायप्र-३०१८/म.क.२५६८/सेव्ह-२, दि.६९.०८.२०२९

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या <u>www.maharashira.gov.in</u> या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०२१०८०९११५२३६९१९७ असा आहे. हा आदेश डिजीटल स्वासरीने सामांकित करून काटण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Shivdas Mahadeo Dhule

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चप सविव, महाराष्ट्र शासन

प्रत,

- १. मा. राज्यपाल यांचे सचिव
- २. मा. मुख्य सविव, महाराष्ट्र राज्य, मंत्रालय, मुंबई
- ३. मा. मुख्यमंत्रीं यांचे प्रधान सविव
- ४. आयुक्त, आरोग्य सेवा तथा अभियान संवालक, राष्ट्रीय आरोग्य अभियान, भुँबई
- ५. सायुक्त, राज्य कामगार विना योजनां, श्रृंबई
- ६. योलीस आयुक्त, पोलीस आयुक्तालय, नुंबई
- ७. मुख्य कार्यकारी अमिकारी, महात्मा फुले जीवनदायी आरोग्य योजना, मुंबई
- ८. प्रकल्प संचालक, महाराष्ट्र एड्स नियंत्रण सोसायटी मुंबई
- ९. जिल्हाविकारी (सर्व)
- १० मुख्य कार्यकारी अघिकारी, जिल्हा परिषद (सर्व)
- १९ संचालक, आरोग्य सेवा, आरोग्य सेवा संवालनालय, मुंबई
- ९२ बरिरिक्त संवालकं, आरोग्य सेवा (सर्व)
- 9३ सह संचालक, आंरोग्य सेवा (सर्व)
- १४ उपसंचालक, आरोग्य सेवा (सर्व)
- ९५ं जिल्हा शल्यचिकित्सक (सर्व)
- १६ जिल्हा आरोग्य अधिकारी (सर्व)
- १७ पोलीस शल्यविकित्सक, पोलीस रुग्णालय, नागपाडा, मुंबई
- १८महालेखापाल, (लेखा व अनुझेयता), महाराष्ट्र-१/२, मुंबई/नागपूर
- १९ महालेखापाल, (लेखा परीक्षा), महाराष्ट्र-१/२, मुंबई/नागपूर
- २० अमिदानं व लेखाअविकारी, मुंबई
- . २९ सहायक अझिदान व लेखा अझिकारी, मुंबई
- 2२ जिल्हा कोषागार अधिकारी (सर्व)

पृष्ठ ३ पैकी २



२३ जपत्तिच्व, सेवा-४, वित्त विमाग, मंत्रालय, मुंबई
२४ सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई
२५ मा. जप मुख्यमंत्री यांचे खाजगी त्तिच्व, मंत्रालय, मुंबई
२६ मा. मंत्री (आरोग्य)/मा. राज्यमंत्री (आरोग्य) यांचे खाजगी सिवद, मंत्रालय, मुंबई
२७ सह सिवव/जप सिवव / अवर सिवव / कक्ष अधिकारी, सार्वजिनक आरोग्य विमाग, मंत्रालय, मुंबई
२८ अपर मुख्य सिवव (१) सार्वजिनक आरोग्य विमाग, मंत्रालय, मुंबई यांचे स्विय सहायक
२९ प्रज्ञान सिवव (२) सार्वजिनक आरोग्य विमाग, मंत्रालय, मुंबई यांचे स्विय सहायक
३० निवड नस्ती-सेवा-२





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महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

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

[मृष्टे ४, किंमत : रुपये १५.००

असाद्यारण क्रमांक २९

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्त्रये तवार केतेले (भाग एक, एक-ल आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

> वित्त विभाग मादाम कामा मार्ग, हुवात्मा राजगुरू चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक २३ फेब्रुवारी २०२२.

> > . अधिसूचना

क्रमांक सेनिवे-२०२१/प्र.क.५६/सेवा-४.— भारताच्या सविवानाच्या अनुच्छेद ३०९ च्या परंतुका-वये प्रदान करण्यात आलेल्या अधिकारांचा शास्ताचे संविधान. वपर करन महाराष्ट्राचे राज्यपाल या संबंधात यापूर्वी निर्गामित करण्यात आलेले सर्व आदेश, निर्णय १. अधिक्रमेयत करून यहाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ ला आणखीं सुधारणा करणारे पुढील नियम करीत आहेत :--

- १. या नियमांस महाराष्ट्र मागरी सेवा (निवृत्तिवेतन) (सुधारणा) नियम, २०२२ असे म्हणावे.
- २. महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ याच्या नियम १० मधील मोटनियम (१) मध्येः-

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

" परंतु महाराष्ट्र बेद्यकोप व सारोग्य सेवा, गट-ज मधील जिल्हा शल्य चिकित्सक, विशेषज्ञ, पोलीस शल्य चिकित्सक व वेद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सहाव्या वेतन आयोगानुसार चेतनबैंद रू.१५६००-३९१००, ग्रेड बेतन रू. ५४०० व त्यापेका वरच्या ग्रेड बेतनातील आणि सातव्या वेतन आयोगानुसार वेतनस्तर एस-२० आणि त्यापेशा वर्च्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात बयाची ६० वर्ष पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशी मध्यान्हीतर

परंतु आणखी असे को, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, यह संचालक, उप संचालक सेवानिवृत्त होतील : आणि जिल्ला आरोग्य अधिकारी संवर्गातौल अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ मधील संचालक (वैद्यकीय), ठए संचालक (बैशकोय) आणि बैशकोय अधिकान संवर्गातील (तहान्यों बेतन आयोगानुसार बेतनबैंड रू.१५६००-३९१००, ग्रेड वेतन रू. ६६०० व त्यापेका वरच्या ग्रेंड चेतनातील आणि सातव्या नेतन आयोगानुसार बेतनस्तर एस-२३ आणि त्यापेसा वरच्या वेतनस्तरातील) आविकारी हे ज्या महिन्यात वसाची ६० वर्षे पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवशो मध्यान्होत्तर सेवानिवृत्त होतील.";

(१) Αφ S.N. Dhanage kumbai Maisarachi

चाग चार**−**ञ-२९−१

पहनाष्ट्र क्रास्त रहारत वसावारण वाग भार-ज, केत्रुवारी १४, २०१८/कारनुत ६, अने १९४२
(शंत) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या घहिल्या परंतुकाऐवर्णा खालील परंतुक समाविष्ट करण्यात वेईल आणि ते दि. २१ मे, २०१९ पालुन समाविष्ट झाल्याचे मानण्यात वेईल :

परंतु, महत्राष्ट्र वैद्यकीय व आग्नेग्य सेवा, गट-ज मधील जिल्हा शाल्य चिक्तसक, विशेषज्ञ, धौलीस शाल्य चिकित्सक व वेद्यकीय अधिकारी संवर्णातील आण्या महाराष्ट्र वेद्यकीय विद्या सेवा, गट-ज मधील जिल्हा शाल्य चिकित्सक, विशेषज्ञ, धौलीस शाल्य चिकित्सक व वेद्यकीय अधिकारी संवर्णातील आण्या महाराष्ट्र वेद्यकीय विद्या सेवा, गट-ज मधील वेद्यकीय अधिकारी संवर्णातील (सातव्या वेतन आयोग्यनुसार वेतनस्तर एव-२० ज्याण त्यापेका वर्ष्या वेतनस्तरातील) अधिकारी हे ज्या महिन्यात क्याची ६२ वर्ष पूर्ण करतील त्या चिक्त्याच्या शेवटच्या दिवशी पञ्चान्तेतर सेवानिवृत्त होतील ::

(वीत) वर्शीलप्रवाणे समाविष्ट करण्यात स्वानेक्स हस्तरण प्रवेत्वाचित्र करण्यात स्वानेक्स स्वानेव्य स्वानेक्स स्वानेव्य स्वानेक्स स्वानेव्य स्वानेक्स स्वानेव्य स्वानेक्स स्वानेव्य स्वानेव

(तीन) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या हुस-या परंतुकारेवणी खालील परंतुक समाविष्ट करण्यात वैईल आणि ते दि. ३१ में, २०२१ परसून समाविष्ट काल्याचे प्रजन्मक वैईल :-

" परंतु असे की, महाराष्ट्र वैद्यकी व आरोग्य सेवा, गट-अ मधील संचालक, अतिरिक्त संचालक, वह संचालक, वर संचालक आणि जिल्हा आरोग्य अधिकारी संवर्षतील अधिकारी व महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ नधील संचालक (वैद्यकीय), उप संचालक (वैद्यकीय) आणि वैद्यकीय अधिकक संवर्गातील (सत्वचा वेतन आयोगानुसार वेतनस्तर एस-२२ आणि स्थापेक्षा वरष्या वेतनस्तरातील) अधिकारी हे च्या भिन्नात नयाची ६२ वर्ष पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवसी मध्यान्होत्तर सेवानिकृत होतील.";

(चार) वरीलप्रमाणे समाविष्ट करण्यात आलेल्या दोन्ही परंतुकांऐकनी खालील परंतुके समाविष्ट करण्यात येतील आणि ती दि. १ जून २०२२ पासून अमलात आल्याचे मानण्यात ग्रेहेल :

े मरंतु, महाराष्ट्र वैद्यकीय व आग्निय सेवा, गट-ज नवील जिल्हा शह्य विकित्तक, विशेषंत्र, पोतीस शल्य चिकित्सक व वैद्यकीय अधिकारी संवर्गातील आणि महाराष्ट्र वैद्यकीय वित्ता सेवा, गट-अ मधील वैद्यकीय अधिकारी संवर्गातील (सहाव्या वेतन आगोगानुसार वेतनस्तर एस-२० आणि स्पापेक्षा वरच्या वेतनस्तर हिन्दा अधिकारी हे ज्या महिन्दात वयाची ६० वर्ष पूर्ण करतील त्या महिन्दाच्या शेवटच्या दिवशी याध्याचीतर सेवानिवृत्त होतील :

परंतु आणवी असे की, महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-अ मधील सेवालक, अतिरेस्त संवालक, सह संवालक, उप संवालक आणि जिल्हा आरोग्य अधिकारी संवर्गावील अधिकारी व वसराष्ट्र वेद्यकीय विमा सेवा, गट-अ मधील संवालक (वैद्यकीय), उप संवालक (वैद्यकीय) आणि वैद्यकीय अधिसक स्वर्गातील (सहवन्या वेतन अपयोगानुसार वेतनस्तर एस-२३ आणि स्वर्णेक्षा वरच्या वेतनस्तरातील) अधिकारी है च्या महिन्यात स्वाची ६० वर्ष पूर्ण करतील त्या महिन्याच्या शेवटच्या दिवसी मध्यान्होत्तर सेवानिवृत होतील :

परंतु आणखी असे की, वरील पर्यंतुके दि. ३६ श्रे २०२३ पर्यंत अंमलात राहतील.".

महराष्ट्रांचे राज्यपाल गाँचा आदेशानुसार व नावाने,

्र. कि. घाटणे, सासनाचे उप सचिव.



नहाराष्ट्र सातन राजपत्र असाबारण भाग चार-ख, फेहुवार्स २४, २०२२/फल्गुन ५, शके १९४३ FINANCE DEPARTMENT Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032, dated the 23rd February 2022. NOTIFICATION No.PEN-2021/C.R.56/SER-4.- In exercise of the powers conferred by the proviso to article ACTION OF THE PROPERTY OF CONSTITUTION OF EXDIA. (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-These rules may be called the Maharashtra Civil Services (Pension) (Amendment) 2. In rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982; in sub-rule (1).-Rules, 2022. (I) the following provisos shall be added and shall be deemed to have been added with Provided that, the Officers in District Civil Surgeon, Specialist, Police Surgeon and effect from the 31st May 2015, namely:-Medical Officers Cadres in Maharashira Medical and Health Services, Group A and Medical Officers Cadre in Maharashtra Medical Insurance Services, Group A (In Pay Band Rs. 15600-29100; 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. 15600-35100; 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 apparation 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:-THE PROPERTY OF THE PROPERTY O 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 Caures in Maharashira Medical and Health Services, Group A and Medical

ं क्तिष्ट्रिं शासनं राजंब्य स्त्वावतच्य कान चार-वा, क्रेनुवारी २४, २०११/फार-पुन ६, शके १९४३

Officers Cadre in Maharashira 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 80 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 the the 31st May 2023.

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

R. S. GHATGE,
Deputy Secretary to Government.



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2 3 HAY 2023.

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मुख्यमंत्री सचिवालयं

मा. ना: एकनायुनी श्रिंदें साहेब, मुख्यमंत्री, महाराष्ट्र शासन, महाराष्ट्र राज्य मंत्रातय मुंबई.

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

मंत्री, सार्वजनिक बारोम्य व कुटुंव कल्याण विभाग महाराष्ट्र राज्य मंत्रालय मुंबई ३२

सार्वजनिक आरोग्य विभागातील वैद्यकीय अधिकारी वर्ग १ व वर्ग

२ यांचे सेवानिवृत्तीचे दय वाहविण्यावावत.....

१) सार्वज़िन् आरोग्य विभाग, शासनं निर्फ़िय इसांक

ब्रामि-१८१५/प्राक्त २१६/र्सिवा-२ वि.०३.०९.२०१५

२) श्रांसन निर्णय सेवानि १५१८ प्र क८१/१५ वैसेवा १६८/सेवा २ दिनाक २९.०८.२०१८

ंश) श्रासिन सुद्धीपत्रेक क्रमांक सेवाति १३१९/ प्र. क ४८/१५सेवा १ दिनों के देश ११:२०१९



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आहेत. वैद्यकीय अधिकारी तलेच विशेष तक्ष पंदासाठी प्रयत्न करून देखील पुरेशा प्रमाणात वैद्यकीय अधिकारी उपलब्ध होत जाहीत वा उपलब्ध झालेसही पसंतीच्या ठिकाणी पदस्थापणा न मिळाल्यामुळे सेवेत रुजु न होण्याचे प्रमाण खुप मोठया प्रमाणात लाहे.परिणामी आरोग्य सेवेतील पदे सोठया प्रमाणात रिक्त राहंत असुन त्याचा राज्यातील रुज्य सेवेवर विपरीत परिणाम. होत आहे.त्याअनुवंगाने क्षासन निर्णय दिनांक २९/०८/२०१८ अन्वये महाराष्ट्र वैद्यकीय व आरोग्य सेवा गट अ मधील वैद्यकीय अधिकारी व राज्य कार्यगार विमा योजनेवंतर्गत महाराष्ट्र वैद्यकीय व बारीग्य सेवा गट अ मधील वैद्यकीय अधिकारी व राज्य कार्यगार विमा योजनेवंतर्गत महाराष्ट्र वैद्यकीय व बारीग्य सेवा गट अ मधील वैद्यकीय अधिकारी व वर्रीख पदावरील अधिकारा-यांचे सेवानिवृती चे वय ५८ वर्षाचरुन ६० वर्षापर्यंत वाढवण्याचा आसनाने निर्णय घेतला होता.सहर निर्णय दिनांक ३१/०५/२०१८ पासुन पुर्वलक्षी प्रभावाने ५ वर्षासाठी (दिनांक ३१/०५/२०२३ पर्यंत) लागु करण्यात आलेला आहे.

तसेच महाराष्ट्र वैद्यकीय सेवा गट अ व राज्य क्रमगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा गट अ मधील वैद्यकीय अधिकारी तसेच जिल्हा श्रत्यविकीत्सक तसेच विशेष तक्ष संवर्गातील व इतर अज्ञा अधिका-यांचे सेवानिवृत्ती चे वय ३१/०५/२०१९ पासुन पुर्वलक्षी प्रमावाने २ वर्षासाठी विनांक ३१/०५/२०१९ पर्यंत ६० वक्षन ६२ वर्षापर्यंत वाढविष्याबाबतचा निर्णय दिनांक ०१/०५/२०१९ च्या आसन निर्णयांचये व विनांक २६/११/२०१९ च्या श्रासन निर्णयांचये मान्यतेच्या अधिन राहुन घेष्यात आले आहे. सदर श्रासन निर्णयांची मुदंत ही ३१ में २०२१ रोजी संपुष्टातं खाली आहे.

सहस एज्यात केन्हीड साथरोग संसर्गाचा प्रादुर्भाव वेगाने वाढत असुन त्याच वरोवर नजीक्च्या कलावधीत तिसरी लाट येण्याची सवयता आहे यास्तव नियंत्रण मिळविण्याच्या दृष्टीने उपाययोजणा करणे व त्याची अमलवंब्यवणी करण्यासाठी वैद्यकीय अधिकारी तसेच वरीष्ठ अधिका-यांची विभागास नितांत आवस्त्रकृता आहे तसेच महाराष्ट्र वैद्यकीय व आरोग्य सेवा यट अ मधील विविध संवंगातील १९३ अधिकारी दिनांच ३१०५/२०२१ अखेर सेवानिवृत्त होत आहेत इत्यक्या मोठ्या प्रमाणात एकाच वेळी अधिकारी सेवानिवृत्त होत आहेत इत्यक्या मोठ्या प्रमाणात एकाच वेळी अधिकारी सेवानिवृत्त होत असल्यान आरोग्यसेवेवर होणारा परिणाम व कोन्हीड १९ चा बाढ़ता प्रादुर्भाव विचारात चेता आरोग्य सेवा आयुक्तालेयाजेतर्यत सहाराष्ट्र वैद्यकीय व आरोग्य सेवा सहिता पर इत्यक्ति का विद्यकीय सेवा निर्णय सेवा स्वानिवृत्तिचे वयु शासन निर्णय सेवा सेवानिवृत्तिचे वयु शासन निर्णयानुसार वाढविष्यात आलेले आहे सदर शासन निर्णय सेवा निर्णय सेवानिवृत्तिचे वयु शासन निर्णय सेवानिवृत्तिचे व्यव्यक्ति स्वानिवृत्तिचे व्यव्यक्तिच स्वानिवृत्तिच स्वानिवृत्तिचे व्यव्यक्तिच स्वानिवृत्तिचे व्यव्यक्तिच स्वानिवृत्तिच स्वानिवृत्तिच स्वानिवृत्तिच स्वानिवृत्तिच सेवानिवृत्तिच स्वानिवृत्तिच स्व



हा दिनांक ३१/०५/२०२१ पासुनं दिनांक ३१/०५/२०२२ पर्यंत समलात साणलेला साहे. त्यामुळे ३१/०५/२०२३ ला सेवानिवृत्तीचे वय ५८,५९,६० या तीनहीं वयातील अधिकारी मोठया प्रमाणात सेवानिवृत्त होणार साहेत. त्यामुळे आरोग्य सेवेवर याचा विपरीत परिणाम होण्याची शक्यता आहे हि समस्या कायमची दर करण्यासाठी आरोग्य सेवेतील सर्व स्तरावरील अधिका-यांचे निवृत्तीचे वय वैद्यकीम करण्यासाठी आरोग्य सेवेतील सर्व स्तरावरील अधिका-यांचे निवृत्तीचे वय वैद्यकीम क्रिया व सोवधी द्रव्य विभाग शासन निर्णय सेवादि ३६१६/एक ८१/१५/वे सेवा र क्रिया व सोवधीन द्रव्य सार्वजनिक आरोग्य विभागातील सर्व अधिका-यांचे दिनांक ०५/०३/२०१५अन्वये सार्वजनिक आरोग्य विभागातील सर्व अधिका-यांचे (डॉक्टर) वय ६४ केव्यासं संस्थेवर शेषाण ताण व जणतेला देण्यात येणारी (डॉक्टर) वय ६४ केव्यासं संस्थेवर शेषाण ताण व जणतेला देण्यात येणारी आरोग्य सेवा त्यातील सद्वचणी नक्कीच क्रमी होतील असे मत आहे.

सध्या संपूर्ण भारतात आजादीका अमृत महोस्तव सुरु असुण भारत सरकार आरोग्य विभाग व सार्वजनिक आरोग्य विभाग यांनी विविध स्तरावर राष्ट्रीय कार्यक्रमाचे निर्मुलन करण्याबावत उद्देश निच्छित करण्यात आले आहेत यासाठी वरीष्ठ अनुभवी डॉक्टरांची (क्रम करु इच्छिनारे) अत्यंत आवश्यकता आहे.

साथरोग नियंत्रण,बालमृत्यु,मातामृत्यु,तसेच असंगिय आजार प्रचंड मोठगा प्रमाणांत बाढत असुनं या सर्व समस्यांना प्रतिबंध, नियंत्रण, निर्मुलंन करण्यासाठी विभागास मोठ्या प्रमाणात वैद्यकीय अधिका-यांची गरण आहे: या साठी सेवेतील वरीष्ठ डॉक्टरांना. ५८ वर्डी निवृत्त न करता त्यांचे वय वाढवुन त्यांच्याकडुन त्यांना • .कराने आरोग्य प्रवृत्त नियोजण, वंसलबजावणी, नियंत्रण, मार्गदर्बन, प्रशिक्षण या सर्व वाबीसाठी वरीष्ठ देण्य स डॉक्टरांची आवस्यकता आहे. वरीष्ठ डॉक्टरांना सेवा देण्यासाठी ३ वेळा शासन. निर्णय निर्गमितं करण्यात वालेले वाहेत परंतु वानही डॉक्टर नसल्यामुळे जणतेस पुरेशा प्रमाणात आरोग्य सेवा मिळत नाहीत केंद्रशासनाने ६५ वर्ष डॉक्टरांचे वयु वाढविण्याबावतचा शासन निर्णय निर्णमित केला बाहे तसेच वैद्यकीय शिक्षण व बौषधी द्रव्य विभागः या विभागाने खॅक्टरांच्या निवृत्तीचे वयः इं४ केलेले आहे. तसेन इतर राज्याने केंद्रशासनाच्या धरतीवर जनवेला सेवा देण्यासाठी निवृत्तीच्या वयामध्ये वाढः देण्यात आलेली आहे. राष्ट्रीय बारोग्य अभियान मध्ये डॉक्टरांना . ७० वर्षापर्यंत कंत्राटी पर्वतीने काम करण्यात संघी दिलेली आहे परंतु हे सर्व कंत्राटी असल्याने डॉक्टरांची इंच्ला असुनही रुजु होत. नाहीत तसेच जनतेला २४ तास आरोग्य सेंबा मिळण्यासाठी आपला दवाखाना काढ्ण्यात आलेला आहे परंतु त्यासाठी डॉक्टर मिळत नाही यासर्व बांबीचा विचार करता सर्व. सर्वगातील



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अधिकारी (डॉक्टर) यांचे निवृत्तीचे वय ५८ वर्षावरून १४ करावे असे आरोग्य विभागातील सर्व सर्वगातील अधिका-यांचे मत आहे :

- १) दि. २७/०९/२०१७ रोजी मा.प्रधानमंत्री नरेंद्रजी मोदी यांच्या अध्यक्षतेखाली झालेंत्या केंद्रीय मंत्री मंडळाच्या बैठकीमध्ये, केंद्रशासनाच्या अ<u>ख-यारतीतील ह</u>र्व विभागात स्त्रम करणाऱ्या ऑक्टरांचे दय ६५ वर्ष . पर्यंत नाढविले आहे.
- व) सामारणप्प १४०० ते १५०० वरिष्ठ थेणीतील डॉक्टर्स सेवानिवृत्त होत आहेत. त्यांच्या ज्ञानाचा व अनुभवाचा फायदा आपखी काही वर्षे सामान्य जनतेला मिळवण्यासाठी हा निर्णय घेण्यात आला आहे.
- व) वरिष्ठ श्रेषीतील जवळ पास १४०० ते १५०० डॉक्टर्स सेवानिवृत्त होत जस्त्यामुळे मोठ्या प्रशाणात डॉक्टरांची पहे रिकंत पदे होत आहेत. या डॉक्टरांचे निवृत्तीचे वस ६० वरून सरळ. ६५ पर्यंत बाहृतियेत आले आहे.
- २) , महाराष्ट्रात पंदगरतीसाठी वयाची अट सर्वसामान्यासाठी ३८ वर्ष व राखीव वर्गासाठी ४३ वर्ष आहे. एमबीबीएस हा अध्यासक्रम पूर्ण करण्यासाठी वयाची कमीतक्मी २५ वर्ष लागतात. एम डी /एम.एस. अभ्यासक्रम पूर्ण करण्यासाठी डॉक्टरांचे वयाचे २८ ते २९ वर्ष पूर्ण होतात. तसेच डीएम/एमसीएच हा छुपर स्पेशालिटी अध्यासक्रम पूर्ण करण्यासाठी डॉक्टरांचा आयुष्याची ३२ ते ३३ वर्ष चावे लागतात. म्हणजेच डॉक्टरांच्या आयुष्याचा ४० ते ६० टक्के कालावंधी हा एमबीबीएस. एमडी/एम.एस व. डी.एम/एमसीएच पूर्ण करण्यात जातात. एमबीबीएस सह सर्व उच्च वैद्यकीय श्रेशालक अईता जगातील सर्वांत कठीण अध्यासक्रमाची अईता अधून, ती अईता प्राप्त करणे खूप कठीण आहे. हे जगाने मान्य केले आहे.
- ३) वरीष्ठ डॉक्टर्स मासनाच्या सर्व योजना व्यवस्थित व सुरळीतपणे रावित्यात नाकवगार असतातं. ज्ञण्यात सामान्य जनतेस सर्व सोयीसुविद्या उपलब्ध करुन देण्यात, वयोवृह्यां जाजार— हृदयां सुं सब्धित आजार, मधुमेह, उच्च रक्तवाव, कर्करोगं,अस्थिरोंग, वेगवेगळ्या मस्तक्रिया तसेच , बालमृत्यू दर क्मी कृरणे, लसीकरण, यातांचा रोगापासून बचाव करणे, कृपोषणापासून होणाऱ्या आलारांवर मात करणेबांवत डॉक्टरांच्या ज्ञानाचा कर वं अंतुमवाचा फार योळ्यां प्रमाणात उपयोगं होत साहेत.

४) व) महाराष्ट्र शासनाच्या वैद्यकीय शिक्षण विभागातील सर्व डॉक्टरांचे वय ६४ वर्षापर्यंत वाढविल आहे. कारण वैद्यकीय शिक्षण विभागात असलेल्या रिक्त पदामुळे वैद्यकीय अभासक्रमाचे शिक्षण देणाऱ्या विद्यार्थ्याच्या शिक्षणात अडंथळे निर्माण होत होते, संशोधनात अडथळे येत होते. डॉक्टर व जनता यांचे गुणवीत्तर प्रमाण कृमी असल्यामुळे हा निर्णय देण्यात आला आहे.

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व) सार्वजनिक आरोग्य विभागातील जवळ जवळ ३५० ते ५८० डॉक्टर में २०१८ मध्ये सेवानिवृत्त होत आहेत. हे सर्व विरिष्ठ डॉक्टर्स असून, त्यांच्या सेवानिवृत्ती वय ६५ वर्ष केली तर त्यांच्या अनुभवाचा व ज्ञानाचा फायदा आण्डी ५ ते ६ वर्ष सामान्य जनतेस होणार लाहे. वचाच वर्षापासून महण्जेच २० ते २५ वर्षापासून साधारणपणे ८००-९०० डॉक्टरांची पदे रिक्त राहात आहेत. त्या रिक्त पदांमुळे आर्थिक भार शासनावर अजिबात पडणार नाही

५) अ) २० वर्षापूर्वी 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 वयोव्वद्यावर/बालकांवर आणि कमवत्या लोकांवर उपचार करणाऱ्या डॉक्टरांची संख्या कमीच राहणार आहे, त्यामुळे ती ही वय ६५ करणे योग्य आहे.

 MCI डॉक्टरांचे सेवानिवृत्तीचे वय ७० वर्ष केले आहे. महाराष्ट्रातं ६५ वर्षापर्यंतं लागू आहे. महणून महाराष्ट्रातं सेवानिवृत्तीचे वय ६५ वर्ष करणे अत्यंत योग्य आहे.

६) डॉक्टरांचे तय ६५ वर्ष केले तर आर्थिकट्टब्टया भार पाडणार नाही उलट मानव विकास निर्देशांक (Human Development Index) वाढविष्यास त्यांच्या ज्ञानाचा व अनुभवाचा फार उपयोग होणार आहे. करण वरीच प्रदे रिक्त असल्यामुळे, हे डॉक्टर्स आहे त्या पदावरच क्रम करणार आहेत.

केंद्र शासनाच्या मागील के ते १४ वर्षात ब्याच योजना आरोग्याबावत . अलेल्या आहेत. त्या समाजात रुजवण त्याचा फायंब सामान्यांना करुन देण, सामाजाक प्रबोधन करणे यासाठी अनुभवी व तक वरीष्ठ डॉक्टरांची नितांत गरज आहे. तसेच केंद्र सरकारने डॉक्टरांचे निवृत्तीचे वय ६५ वर्ष करण्याचे मंजूर केले आहे. त्याच धर्तीवर राज्य आसनाने केंद्र सरकारने = घेतलेल्या निर्पयाचे अवलोकन करून सकारात्मक विचार करून, त्यानुसार डॉक्टरांचे सेवानिवृत्तीचे वयं ६५ वर्ष करावेत बासाठी विनंती आहे.

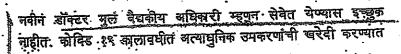
८) संदर्भ क्रं १ खासन निर्णय दिनांक ३१.०५.२०,२३ रोजी समाप्त होत

या जी आर मुळे डिसेंबर २०२२ ते में २०२३ या काळात एकूण ११० वर्ग १ (तज्ञ) व अंदाजे ४५० पेक्ष अधिक वर्ग २ वैद्यकीय अधिकारी (एमनीबीएस डॉक्टर) सेवा निवृत्त होत आहेत. तसेच राज्यात हिसेंबर मखेर १२०० पेक्षा जास्त डॉक्टरांची पदे रिक्त आहेत. याचा निविचतपये रुष्णसेवेवर परिषाम होईल व सार्वजनिक आरोज्य विभागाची बहनामी होईल.

भहाराष्ट्र आसनाच्या सार्वजनिक आरोप्य विभागाचे सतत जनतेला परिपूर्ण व गुमवत्तापूर्ण आरोन्य सेवा देण्याचे धीरण राहिले आहे. परंतु पुरेशा अनुभवी देखकीय अधिकाऱ्याच्या (तज्ञ डॉक्टर) अभावी हे साध्य करणे क्रक्य होणार नाही.

९) राज्यात : वैद्यकीय 'शिक्षण पूर्ण करुन बाहेर पडल्यानंतर डॉक्टरांना शासनात सेवा देणे सक्ती के केले हे तरी देखील पूरेशा प्रमाणांत जागा भरत्या जांत नाहीत .. बंधपितत म्हणून हजर झालेले डॉक्टर अनुभव कमी असल्याने आवस्यक त्या गुणवत्तेच्या सेवा देख शकत नाहीत .

त्यामुळे अनेक (LAQ) उदभवतात. तसेच रुग्ण व त्यांचे नातेवाईक यांचे योच्य प्रकारे समुपदेशन करु शक्त नसंल्याने वैद्यंकीय अधिकारी यांच्यावर वारंवार हल्ला होंपे, आरोग्य संस्थेतील सामानाची नासपुस करपें असे प्रक्त उदभवतात व यामुळे आरोग्य विभागाची नाहाक बहनामी होते. तसेच ते मुख्यालयात रहात नाही.





आली आहे. परंतु अनुभनी व प्रश्निक्षित वैद्यंकीय अधिकारी (डॉक्टर) नसल्यास त्याचा कृग्णांना उपयोग होणार नाही, देशात व राज्यात सेवानिवृत्तीनंतर (NRHM) अंतर्गत अनुभनी अधिकारी म्हणून सेवानिवृत्त डॉक्टरांना बंधपत्रित म्हणून सत्तर (७०) वर्षापर्यंत सेवा देण्याकरीता भरती केले जाते.

- रश) महाराष्ट्र शासन वैद्यकीय शिक्षण व औषवी द्रव्य विभागात कार्यरत असलेले आमचे सहकारी मित्र ६४ वर्ष सेवा देतात. ही बाब विचारात वेता समान शिक्षण तमान काम असल्याने दोन विभागातील डॉक्टरांना वेगळा न्याय नसावा असे वाटते.
- १२) सन २७१८ पासून मे २०२३ पर्यंत ६२ व ६० यापूर्वी अधिकाऱ्यांनी अगरोज्य सेवा या विभागात दिलेली आहे. असेच आम्हाला सुवधा ५८ वर्षपुढे आरोज्य सेवा देण्याची संधी मिळावी.
- १३) त्याचप्रमाणे केंद्रातील आरोग्य विभागात कर्यरत बसणारे डॉक्टर यांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे. केंद्रातील आरोग्य विभागाप्रमाणे तेलंगणा, कर्नाटक, राजस्थान, पंजाब, हरियाणा, मध्यप्रदेश व उत्तर प्रदेश दत्यावी २५ राज्यात देखील डॉक्टरांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे.
- १४) सार्वजनिक आरोग्य विभागात सध्या काम करणेसाठी एमवीबीएस व विशेषतक फन्त एकूण अधिकाऱ्यापैकी ३० टक्केच कार्यरत आहेत व ७०. टक्के बीएएमएस कार्यरत आहेत.

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१५) आरोग्य विभागात जिल्हा आरोग्य सर्वगातील ४४ टक्के तसेच जिल्हा शल्य चिकित्सक संवर्गातील ४३ टक्के तसेच विशेषतज्ञ संवर्गातील ७२ टक्के, एमएमएचएस ६६ टक्के पद रिक्त लाहेत

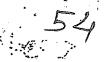


१७) वरील सर्व संस्था सुरिक्षत जालण्यासाठी एमबीबीएस व तज्ञ डॉक्टरांची जावश्यकता आहे. तन जानेवारी २०२३ ते हिसेंबर २०२३ या कालावधीत वर्ग १ चे ८९ तसेच वर्ग म मबील २०२ वैचकीय अधिकारी असे एकूण २९१ अधिकारी सेवानिवृत्त होत आहे. त्यामुळे आरोम्य सेवेत पोकळी निर्माण होकन जारोम्य सेवेवर विपरित परिणाम होईल. तसेच जनतेला उत्हृष्ट व गुणवत्तापूर्ण वैचकीय सेवा देण्यात अहयळा येख ककतो, असे मत आहे. तरी वर्ग १ व वर्ग २ चे सेवानिवृत्तीचे वय बाहबावे जेथेंकरून जनतेस उत्कृष्ट व गुणवत्तापूर्ण आरोम्य सेवा देणे शक्य होईल.

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

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१९) सद्या आरोग्य विभागात एमबीबीएस झालेले. बॉक्टर येण्यास टाळाटाळ करतात. बॉन्डेड डॉक्टर सुदधा बॉन्ड पूर्ण करण्यासाठी फक्त आरोग्य विभागात चंजू होतात व कामात टाळाटाळ करतात व बॉन्ड पूर्ण झाल्यानंतर सोडून जातात. त्यामुळे आरोग्य विभागात एमबीबीएस डॉक्टरांची कमतरता आहे.

२०) उच्च शिक्षित हॉक्टर आरोग्य विभागात रुणू होण्यास तयार नसतात. त्यामुळे एमबीबीएस हॉक्टर व उच्च शिक्षित हॉक्टरांची कमतरता असल्यामुळे असणाऱ्या हॉक्टरांवर तणाद सुरु झालेला आहे.

२१) सन २०२३ च्या मे महिन्यात सेवानिवृत्तीचे प्रमाण एकूण निवृत्तीच्या . १० टक्के असल्याने आरोग्य सेवेत तुटी निर्माण होऊ नये याकरीता . सार्वजनिक आरोग्य विभागातील सेवानिवृत्तीचे वय वाढवावे असे मत

२२) श्रासन निर्णय क्रमांकः न्यायप्र-२०१८/प्र.इं. २५४/सेवा-२ गोकुळवास. तेजपाल रुग्णालय संकुल इमारत, १० वा मजला मंत्रालय, मुंबई. दिनांक ३१.०५-२०२१ ह्या श्रासन निर्णयाप्रमाणे सेवानिवृत्तीचे वय

रिशे संदर्भिय १,२,३ कार्यन्तीतं करताना आरोग्य विभागातील काही विकास संदर्भिय १,२,३ कार्यन्तीतं करताना आरोग्य विभागातील काही अधिकारी मेंट मध्ये, उन्नं न्यायालयात, सर्वोच्नः न्यायाल्यात गेलेले अधिकारी मेंट मध्ये, उन्नं न्यायालयात, सर्वोच्नः सहाराष्ट्र राज्य याचे पत होते, जिल्हाआरोग्य अधिकारी संदर्भिय १,२,३ कार्यन्तीत करताना दि.१२.०१.२०२२ नुसार संदर्भिय १,२,३ कार्यन्तीत करताना नियमबाह्य, ठरादिकः लोकांच्यासाठी वरील शासन निर्णयः कांद्रेण्यात नियमबाह्य, ठरादिकः लोकांच्यासाठी वरील शासन निर्णयः कांद्रेण्यात वाहेले होते असे आरोग केलेले होते. शासन स्थरावच्न एकूण ५ श्रीसंन वाहेले होते असे आरोग केलेले होते. शासन स्थरावच्न एकूण ५ श्रीसंन

नमील नियम १० अध्ये सुधारा करणे जवस्यक होते. परंत् सेवा नियमात सुधारणा न करता सेवा छिन्नतीचे तय बाढवणे नियम वाह्य होते. असे संघटनेने पत्र दिलेले आहे. परंत् आरोग्य विधागात संवटर नसत्यामुळे, भोड्या प्रमाणात परं रिक्त असत्याने, वेळ्येवेळीच्या सायी येत जलत्याने आंतणाने संवटरचे वय बाढवले आहेत. उच्च न्यायालय व सर्वोच्च न्यायालया पृढील कर्ळामधे आसताने वय बाढीचा विचार केल्यास त्याकरीता ग्रोग्य प्रक्रिया करूत व्या माठविष्णास न्यायालयानी हरकतं नाही, असे न्यायालयाने निर्मय दिलेला आहे.

वरी यसन निर्णय अर्थाक सेवानि-२११५/प्रकं ८१/१५/वैसेवा १ दिनांक ०५.०३.२०१५ नुसार महाराष्ट्र शासन वैदयकीय शिक्षण व औषधी इत्ये दिवाग शानी त्यांच्या निभागतील सर्व डॉक्टराचे सेवा निवृत्तीचे वय ५८ वर्षांवरून ६४ वर्ष केलेले आहे. त्यानुसार सार्वजनिक भारोग्य विभागातील सर्व डॉक्टराचे सेवा निवृत्तीचे वयं ५८ वर्षावरून ६४ वर्ष कंश्वे.

रूप) ज्यरोक्त प्रक्रियेस विलंब होत वसल्याने व या दर्षातील सेवा निवृत्तीचा कालावधी दि. २१.०५.२०२३ रोजी सपुष्टात थेत असल्याने ५८, ५९, ६० या न्यातील सर्व हॉक्टर सेवा निवृत्ती होतील त्यामुळे आरोच्य विद्यालाव हॉक्टराची खुए मोठ्याप्रमाणात कमतरता भासण्याची वक्यता आहे. तरी दि. ३१.०५.२०२३ रोजी हॉक्टराणा सेवा निवृत्त करु नये असे आदेश आरोच्य-विमागात्मार्फत निर्गमित

या. सर्व गोर्धींचां विचार करता आग्हीं सर्व वैद्यकीय अधिकारी वर्ग १ व वर्ग: २ सार्वजनिक आरोग्य विभागात आजपर्यंत प्रामाणिकपंथे जनतेला आरोग्य सेवा देतं आहोत व यापुढेहीं देतं राहू:

सेवानिवृत्ती वयात दोनं विभागातील भेदमाव दूर करून आमच्यावर होण्या अन्याय दूर करावा व एच्लिक स्वरुपात ने अधिकारी त्यांच्या सेवा नियमितपण संविजिक आरोच्य विभागात देखे इच्लितात त्यांचे वैद्यकीय पात्रता व सामील विलेत्या सेवा समावानकारक आहे वश्च अधिकात्यांना ऐच्लिक स्वरुपात



दयाची ६४ वर्ष पर्यंत आरोग्य सेवेत काम करण्याची संधी घावी व त्यांच्या अनुभवाचा उपयोग आरोग्य विभागात व ज्नतेस करुन घ्यांवा ही नम्र विनंती.

यामुळे नार्यरत वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय वैद्यकीय जिसण व औषधी द्रव्य विभागातील डॉक्टरांप्रमाणे ६४ वर्ष केल्यास याचा निश्चितपणे जनतेस व सार्वजनिक आरोग्य विभागास फायदा होईल व संदर्भ क १ व २ घासन निर्णयान्वये सध्या कार्यरतं असलेल्यां अधिकान्यांमध्ये आलेली अन्यायांची

भादना दूर होईलं व त्यांच्या कामातील उत्साह बाढेल तरी मेहरबान सहिबानी सर्व वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६४ वर्ष करावे, ही विनंती

> आपले विश्वास् (सार्वजनिक सारोग्य विभागात कार्यरत ससलेले मही अधिकारी)

१ं) जिल्हा शंल्य चिकित्स्कं संदर्ग ८ . २) जिल्हा आरोग्य अधिकारी संवर्ग

त्र) विशेष तज्ञ संवर्ग

४) वैद्यकीय अधिकारी संवर्ग

प्रत माहितीस्तव व पुढील कार्यवाहीस्तव सविनय सादर

१) मा. प्रधान सचिवं, सार्वजनिक मारोग्य व कुटुंव क्ल्याण मंत्रालय, जि.

टि. रुग्णालय आवार, मंत्रालंय मुंबई

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२) मा. सचिव, सार्वजिनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि.टि. रुगालय आवार, मंत्रालय मुंबई

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

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

9044064472



Mary Mary Morrisons

प्रती,

मा. ना. एकनायजी जिंदे साहेब,

मुख्यमंत्री, महाराष्ट्र बासन, महाराष्ट्र राज्य मंत्रालय मुंबई. मा.ता.डॉ. प्रा. थी. तानाजीराक सावंत साहेब, मंत्री, सार्वजिनिकं मार्चेग्य व कुटुंब कंत्याय विभाग महाराष्ट्र राज्य मंत्रालय संबर्ध ३२

विषय- - सार्वजनिक आरोह्य विभागांदींतः वैद्यंकीय अधिकारी वर्ग १ व वर्ग र यांचे सेवानिवृत्तीम् दयं नाहींमेण्याबाबत.....

- संदर्भ. १) सार्वजित्वे आरोखं विभागं, आसनं निर्णयं क्रमांकं सेवानि-१८१ क्ष्म क्र. २१६ विका-२, दि. ०३. ०९. २०१५
 - २) सासन निर्णेष होतीहे. १५१८ म इट१/१५ वैसेवा. १६८/सेवा २
 - ३) बातन बुद्धीयुक्कं इसांकं सेतानि १३१९/ प्र. इ ४८/१५सेवा २ विताक इंट्र. ३१ १०१६
 - ४) शासन जिल्हा अस्ति है०१८ सेवानि प्रक्र २५४/सेवा २
 - मासन विकास सेता ते २११५/प्रकं ८१/१५/वेसेवा १

विश्वासीय विषयान्त्रये आरही अव्यक्ति अवित्यक्ति अव्यक्ति अवित्यक्ति अव वृहीं मुरिविष्यांतं अडचणी निर्माणं होत



हि. ७५/ ०८ /२०२३ मुंबई

मृर.ना.डॉ. प्रा. श्री. तानाजीराव सावंत साहेब, मंत्री, सार्वजिनक आरोग्य व कुटुंब कल्याण विभाग महाराष्ट्र राज्य मंत्रालय

सार्वजिनक आरोग्य विभागातील वैद्यकीय अधिकारी वर्ग १ व वर्ग विषय-२ यांचे सेवानिवृत्तीचे वय वाहविण्याबावत.....

संदर्भ. - १) शासन निर्णय सेवानि १५१८ प्र क्र८१/१५ वैसेवा १६८/सेवा २ दिनांक २९.०८.२०१८

२) शासन शुद्धीपत्रक क्रमांक सेवानि १३१९/ प्र क्र ४८/१५सेवा २ दिनांक २६,०९,२०१९

३) शासन निर्णय क्रमांकः न्यायप्र.३०१८ सेवानि,प्रकं २५४/सेवा २ दिनांक ३१.०५,२०२१

_{नशरङ्}मान्त्रमहोदय,

हुंद-२०० ०३२ इंदर-२०० ०३२ वरील संदर्भीय विषयान्वये आम्ही आपणांस विनम्रपणे खालील गोध्टी निदर्शनास आणू इच्छितो की

संदर्भ के १ जासन निर्णय दिनांक ३१.०५.२०२३ रोजी समाप्त होत 2) आहे.

या जी आर मुळे डिसेंबर २०२२ ते में २०२३ यां काळात एकूण. ११० वर्ग १ (तज्ञ) व अंदाजे ४५० पेक्षा अधिक वर्ग २ वैद्यकीय अधिकारी (एमवीबीएसं डॉन्टर) सेवा निवृत्त होत सहेत. तसेच राज्यात

भूगा । कि आरोप्य हिंसूबर अखेर १२०० पेक्षा जास्त डॉक्टरोंची पदे रिक्त आहेत. याचा अस्टर्ल संकृत है

मनुत्र का, करोग्य हैव, मुंच लाखं प्राव 발발 학원 이외국

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निश्चितपणे रुग्मसेवेवर परिणाय 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 अधिकाऱ्याच्या (तंज्ञ डॉक्टर) अभावी हे साध्य करंगे शक्य होणार नाही..

राज्यात वैद्यकीय शिक्षण पूर्ण करुन बाहेर पडल्यानंतर ढॉक्टरांना शासनात सेवा देणे सक्तीचे केले हे तरी देखील पूरेशा प्रमाणात जागा भरल्या जात नाहीत. बंधपित म्हणून हजर झालेले डॉक्टर अनुभव कमी असल्याने आवश्यक त्या गुणुवत्तेच्या क्षेवा देख शकत नाहीत.

त्यामुळे अनेक (LAQ) उदमवंतात. तसेच रुण व त्यांचे नातेवाईक यांचे योग्य प्रकारे समुपदेशन करु शक्त नसल्याने वैद्यंकीय अधिकारी यांच्यांवर वार्वार इल्ला होणे, आरोच्य संस्थेतील सामानाजी नासधुस करणे असे प्रश्न उदमनतात व यामुळे आरोग्य विभागाची नाहाक बदनामी होते. तसेच ते मुख्यालयात रहात नाही.

नवीन डॉक्टर मुलं वैश्वकीय अधिकारी म्हणून सेवेत येण्यास इच्छुक नाहीत. कोविंड १९ कालावधीत अत्याधुनिक उपकरणांची खरेदी करण्यात आली. साहे. परंतु अनुभवी व प्रशिक्षित वैद्यकीय अधिकारी (डॉक्टर) नसल्यास त्याचा उग्णांना उपयोग होणार नाही , देशात व राज्यात सेवानिवृत्तीनंतर (NEHM) अंतर्गत अनुभवी अधिकारी म्हणून



明节 联络开始 研书记 ४) महाराष्ट्र शासन वैंद्यकीय श्रिक्षण व औषधी द्रव्य विभागात कार्यरत असलेले आमचे सहकारी मित्र ६४ वर्ष सेवा देतात: ही बाव विचारात चेता समान शिक्षण समान काम असल्याने दोन विभागातील डॉक्टरांना वेगळा. न्याय नसावा असे बाटते.

後のできょうの間です。 1年の数の第二十二年の1日のドート

- ५) सन, २०१८ पासून मे २०२३ पर्यंत ६२ व ६० वापूर्वी अधिकाऱ्यांनी आरोग्य सेवा या विभागात दिलेली आहे. असेच आम्हाला सुंदधा ५८ वर्षापुढे आरोग्य सेवा देण्याची संघी मिळावी.
- ह) 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 हत्यावी २५ राज्यात देखील डॉक्टरांचे सेवानिवृत्तीचे वय देखील ६४ वर्ष आहे.
- ७) सार्वजिनक आरोज्य विभागात सच्या काम करणेसाठी एमबीनीएस व विशेषतज्ञ फक्त एकूण अधिकाऱ्यापैकी ३० टक्केच कार्यरत आहेत व ७० टक्के बीएएमएस कार्यरत आहेत.



्यारोध्य विष्यगात जिल्हा आरोग्य संविगातील ४४ टक्के तसेच जिल्हा शल्य चिकित्सक संवर्गातील ४३ टक्के तसेच विशेषतज्ञ संवर्गातील ७२ टक्के, एसएसएइएस ६६ टक्के पदे रिक्त आहेत.

- प्रहाराष्ट्रात एकूष २२ जिल्हा कम्पालय ,साधारण कम्पालय ८, संदर्भीय कम्पालय २, स्त्री कम्पालय २०, उपजिल्हा कम्पालय (१०० देड) ३२, उपजिल्हा कम्पालय (५० वेड) ६३, ग्रामीण कम्पालय ३६३, प्राथमिक आरोज्य केंद्र १९०६, संय कम्पालय ५, मनोकम्पालय ४ या सर्व संस्थेमार्फत जनतेला आरोज्य सेवा पुरविल्या जातात.
- १०) वरील सर्व संस्था सुरिक्कत चालण्यासाठी एमबीबीएस व तज्ञ डॉक्टरांची आवस्थकता आहे. सन जानेवारी २०२३ ते डिसेंबर २०२३ या कालावधीत वर्ग १ चे ८९ तसेच वर्ग अ मंधील २०२ वैद्यकीय अधिकारी असे एकूण २९१ अधिकारी सेवानिवृत्त होत आहे. त्यामुळे आरोम्य सेवेत पोकळी निर्माण होऊन आरोम्य होवेवर विपरित परिणाम होईल. तसेच जनतेला उत्कृष्ठ व गुणवत्तापूर्ण वैद्यकीय सेवा देण्यात अडयळा येऊं अकती, असे मत आहे. तरी वर्ग १ व वर्ग २ चे सेवानिवृत्तीचे वय वाढवावे जेणेकरुन जनतेस जत्कृष्ठ व गुणवत्तापूर्ण आरोम्य सेवा देणे अक्ष्या होईल.
- ११) सन जानेवारी २०२३ ते डिसेंबर २०२३ या काळावधीत महिनावार • खालीलप्रमाणे वर्ग १ सधील अधिकारी व वैद्यकीय अधिकारी सेवानिवृत्त होत बाहेतं



স _ু র্ক	माहे	संवर्ग व	वैद्यकीय अधिकारी
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	जानेवारी २०२३	. \$	6
₹	फेब्रुवारी२०२३	. 8	8
	मार्च २०२३	₹ 3	٧.
8	एप्रिल २०२३	¥	. 3
4	मे २०२३	· 48 ·	ं१४४३
€	. जून २०२३	- 4	٠, ٧
	. जुलै २०२३	હ	٠٩
u	सॉगस्ट २०२३	٥.	. '9
9	· सप्टेंबर २०२३	. 3	. 3
.180 .	ऑक्टॉबर २०२३		. 6
- 88	नोव्हेंबर २०२३	\$	₹
-१२	डिसेंबर २०२३	¥.	
379	एकूप	68	- २०२
			4

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



- १३) उच्च मिक्षित डॉक्टर आरोग्य विभागात ठजू होण्यास तयार नसतात.

 त्यामुळे एमबीबीएस डॉक्टर च उच्च मिक्षित डॉक्टरांची कमतरता

 असल्यामुळे असलाच्या डॉक्टरांचर तथाव सुरु झालेला आहे.
- १४) सन २०२३ च्या से महित्यात सेवानिवृत्तीचे प्रमाण एकूण निवृत्तीच्या ९० टक्के असल्याने आरोग्य सेवेत तुटी निर्माण होऊ नये याकरीता सार्वजनिक आरोग्य विभागातील सेवानिवृत्तीचे वय बाढवावे असे मत आहे.
- १५) शासन निर्णय क्रमांकः न्यायप्र-३०१८/प्र.कं. २५४/सेवा-२ गोकुळदास तेजपाल चन्यालय संकुल इमारत, १० वा मजला मंत्रालय, मुंबई दिनांक ३१.०५.२०,२१ हया शासन निर्णयाप्रमाणे सेवानिवृत्तीचे वय वाढविणेत यावे.

या सर्व गोर्ष्टीचा विचार करता आम्ही सर्व वैद्यकीय अधिकारी वर्ग १ व वर्ग २ सार्वजनिक आरोध्य विभागात आजपर्यंत प्रामाणिकपणे जनतेला आरोध्य सेवा देत आहोत् व यापुढेही देत राहू.

सेवानिवृत्ती नयात होनं विभागातील भेदभाव दूर करुन आमच्यावर होणारा अन्याय दूर करावा व ऐच्छिक स्वरुपात जे. अधिकारी त्यांच्या सेवा निरिश्मितपणे सार्वजनिक आरोग्य विभागात दें इच्छितात त्यांचे वैद्यकीय पात्रता व माणील दिलेल्या सेवा समाधानकारक आहे अना अधिकाऱ्यांचा ऐच्छिक स्वरुपात वयाची ६४ वर्ष पर्यंत आरोग्य सेवेत काम करण्याची संधी द्यांची व त्यांच्या अनुभवाचा उपयोग आरोग्य विभागात व जनतेस करून घ्यावा ही नम्र विनंती.



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यामुळे कार्यरत वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय वैद्यकीय शिक्षण व भौषधी द्रव्य विभागातील डॉक्टरांप्रमाणे ६४ वर्ष केल्यास याचा निश्चितपणे जनतेस व सार्वजनिक आरोग्यं विभागास फायदा होईल व संदर्भ क १ व २ शासन

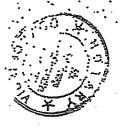
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निर्णयान्वये सच्या कार्यरत असलेल्या अधिकाऱ्यांमध्ये झालेली अन्यायाची भावना दूर होईल व त्यांच्या कामातील उत्साह वाढेल तरी मेहरवान साहेबांनी सर्व वैद्यकीय अधिकाऱ्यांचे सेवानिवृत्तीचे वय ६४ वर्ष करावे, ही विनंती

क्षापले विश्वासू

(सार्वजनिक सारोग्य विभागात कार्यरत असलेले सर्व वाधकारी) १) जिल्हा शल्य चिकित्सक संवर्ग DR. २) जिल्हा आरोग्य अधिकारी संवर्ग M. Dekabe on padoic . ३) विशेष तज्ञ संवर्ग PR. School Kamball ४) वैद्यकीय अधिकारी संवर्ग (🕳 प्रत माहितीस्तव व पुढील कार्यवाहीस्तव सविनय सावर श्री मा. प्रधान सचिव, सार्वजनिक आरोग्य व कुटुंब कल्याण मंत्रालय, जि.टि. कणालय् आवार, मंत्रालय मुंबई. त्र) मा. सचिव, सार्वजनिक झारोग्य व कुटुंव कल्याण मंत्रालय, जि.टि. रुग्णालय मांगूर, मंत्रालय मुंबई व) मा, आयुक्तं, सार्वजनिक आरोग्य विभाग आयुक्तालस, मुंबई मा: संचालक, सार्वजनिक आरोग्यं विभाग संचनालय, मुंबई/पुणे



AT MUMBAI ORIGINAL APPLICATION NO. 623 OF 2023.

Dr. Vijay Nafhhuji Dekate & Ors. v/s

... Applicants

The State of Maharashira & Ors.

Respondents

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St. No	Annex	Paticiles .		. Page N	ia	
1.	•	Short Affidavit of Addi: Chief Secretary, Finance Department (In compliance with order did. 15.6.2023)	в •		<u> 25</u> 3	
2.	R-Is	Copy of Cabinet decision dated 19.07.2018			26a	•

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



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in the maharashtra administrativė tribunal at mumbai

ORIGINAL APPLICATION NO. 629 OF 2023.

Dr. Vijay Nathbaji Delom & Ors.

... Applicants

V/ŝ

The State of Malazashira & Ors.

_ Respondents

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

I, Ashish Kumar Singh, Age: 59 years, Working as
Additional Chief Secretary (Treasury and Accounts), Finance
Department, Mantalaya, Minmbai, do hereby state on solemn
afficination as under:

1. I say that I have perused the copy of the order did.

15.6.2023 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.

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:

स्वार्गिक आरोग्य विमागातील आरोग्य सेवा संवालनालयातील महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट अ मधील वैद्यकीय अधिकारी (वेदनबँख १५६००-३९१०० ग्रेड में ५४००) व विद्यकीय अधिकारी (वेदनबँख १५६००-३९१०० ग्रेड में ६६००) नवील विद्येषक्र संवर्ग (वेदनबँख १५६००-३९९०० ग्रेड में ६६००) नवील पदे व वरिष्ठ पदे (वेदनबँख १५६००-३९९०० ग्रेड में ६६०० वरील) व राज्य कामगार विमा योजनेतील महाराष्ट्र वैद्यकीय विमा सेवा, गट-अ (वेदनबँख १५६००-३९९०० ग्रेड में ५४०० व त्यावरील सर्व)



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वैद्यकीयं अधिकात्यांने सेवानिवृत्तींने वयं ५८ वक्न ६० वर्षापर्यंत वादिविष्याबावतच्या प्रस्तावास मान्यता देण्यात यावी, सदर निर्णय दिनांक ३१.०५.२०१८ पासून पूर्वलबी प्रमावाने पाच वर्षासाठी दिनांक ३१.०५.२०२३ पर्यंता लागू करण्यास मान्यता देण्यात यांवी"

Herein amexed and marked as Exhibit R-1s 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 is sued by Public Health Department on the subject.

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

7. I say and submit that on perusal of provisos of subsule (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



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(In Pay Level in Pay Matrix 8-20 and above as per Seventh Pay Commission) shall retire from the service on the effermant of the last day of the march 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 Maharoshina Medical and Health Services, Group A and Officers in Director (Medical), Deputy Director (Medical) and Medical Superintendent Cadres in Maharoshina Medical and Insurance Services, Group-A (In Pay Level in Pay Matrix S-13 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 citains age of 60 years:

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

g. 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 refer on the last date of the month in which the Medical Officer strains the up of

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60 years. E.g. Medical Officers who will complete 58 years of age on 24.042023 will retire on 30.042025 instead of retiring on 31.05.2023 as per the above provision. Also Medical Officers who will complete 58 years of age on 24.062023 will however retire on 30.062023 as per original provision of Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982.

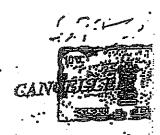
9. Hence this affidayit.

Mumbai

Dated 74.07.2023.

RESPONDENT





VERIFICATION

I, Ashish Kumar Singh, Age : 59 years, working as Additional Chief Serectary (Treasury and Accounts). Finance Department, Mantralaya, Mumbai, do hereby state on solumn affirmation that contents of para hos. I 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 my material facts from this Hon ble Tribunal.

Solemniy affirmed at Munibal. This 2-4 day of July, 2023.

DEPÔNENT HEFORE ME

Identified by

(Menisha Yuvağ Kambı) Deputy Şecretary, Finance Dept

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

Deponent's Kmail IO : seyal fil@minasshta.gov.io

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in the maharashira administrative tribunal

ORIGINAL APPLICATION NO. 623 OF 2023.

Dr. Vijay Nathhoji Dekate & Grs.

... Applicant

I Deepak Nivariti Kendre, Age : 41 years, working as Deputy Secretary in the Office of the Secretary, Public Health Department, Maniralsya, Mumbai, do hereby state on solema affirmation as

S.N. Dhances Feg. lb. 15376

· I say that I have perused the copy of the order did. 31.7.2023 as well as other relevant records of the case. I crave leave of this Hon' ble Tribunal to further add or amend the stridavit and/or file additional affidavit, it so found necessary. I say that I have been authorised to file this affidayit on behalf of the

espondent Nos. I & 2.

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I say that, as there was contrary view taken by the Finance Department and the Public Health Department regarding interpretation of the amendment to 10 of MCS (Pension) Rules by Notification dated 23 February 2022, the Hon'ble Trismal by order dated 31.07.2023 had directed the Chief Secretary to find out correct decision and inform accordingly.

3. It is submitted that the Chief Secretary commend with the stand taken by Finance Department in their Affidavit dated 24.07.2023 as being the concerned siministrative department in above matter. Capy of decision dated 02.08.2023 of Chief Secretary is annexed hereto and marked as Ethibis R-1s.

Hence, the Affidavit

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Dated : a I na anaa

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RESPONDENT





VERIKICATION

I Descar Niverin Kendre, Age: 41 years, working as Deputy Secretary in the Office of the Secretary, Public Health Department, Manuralaya, Mumbai, do hereby state on soleum affirmation that combants of para nos. 1 to 4 of the affidayit are true to the best of my knowledge and information derived from the records and files 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 maintained in the office and I verify the same to be true. I say that I have not suppressed any maintain items from this Hon ble Tribunal.

Solemnly sturned at Mumbai. This a lary of August, 2023.

DEPONENT

·Drafted & Identified by :

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Mg. Swafi P. Manchekar Chief Presenting Officer M. A.T. Mumbal

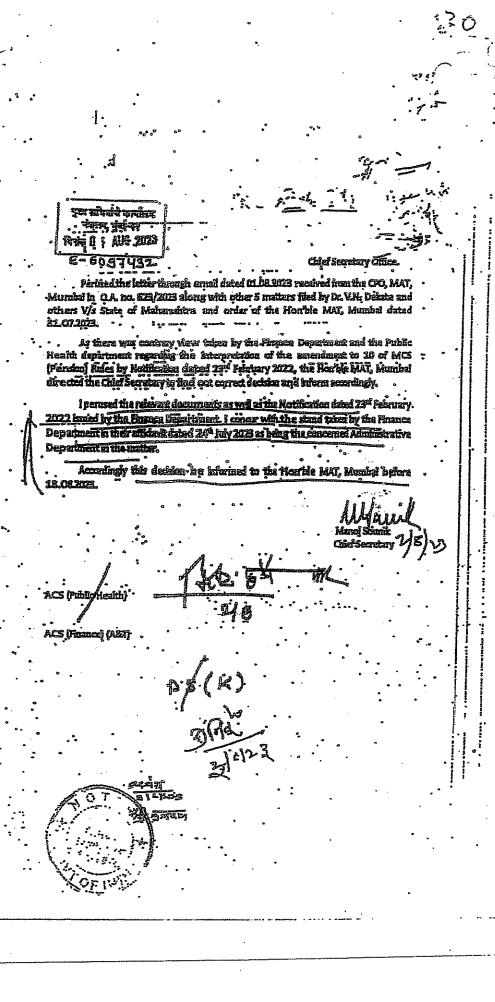
Deponent's Email ID: phid-seyāl@mah.gov.in <RSF> G0[9]23

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in the managetra administrative tribural · MUMBAI . . original applications no.623, 626, 658, 1026 & 1066 of 2023 original application no.623 of 2023 Dr. Vijey N. Dekate, Dr. Humkumchand A. Patole, Dr. Mahendra V. Phälle, Dr. Tate Ramdes Dashrath, 4.° Dr. Gunaji D. Nalawada, 5. Dr. Pramod Patil, б. Dr. Rajesh S. More, All are Medical Concas in State of Maharashtra 7.). Applicants C/o Shri A.A. Desai, Advocate, MAT, Mumbei Versus The State of Maharashtra, Through the Principal Secretary, Public Health Department, 10th Floor, G.T. Hospital Compound, Mumbai The State of Maharashira, Through its Secretary, Public Health Department) 10th Floor, G.T. Hospital Compound, Mumbai) The Commissioner of Health & Mission Director,) National Health Mission, Arogya Bhawan, St. George Hospital Compound, CST, Mumbai

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4.	The Director of Realth Services,
•	Arogya Bhawan; St. George Hospital Compound,)
•	Near CST, Mumbai
. 5.	The Under Secretary, Public Health Department,)
•	10th Floor, G.T. Hospital Compound, Mumbai Respondents
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(3)	Original application to.626 of 2023
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	District : Milheat
I	Dr. Avinash H. Dhanawade,
2.	Dr. Sunil P. Pokharna
3.	Dr. Dnyandeo S. Sabale
4.	Dr. Ashok C. Sashane,
5.	Dr. Renject P. Kamble,
б. ·	Dr. Avinash D. Shivsharan
7.	Dr. Maksrand P. Patil
8. '	Dr. Shobhana R. Chavan,
9.	Dr. Vijay G. Rokade,
10.	Dr. Vikasini N. Chavan,
11.	Ushadevi R. Kumbher,
12.	Dr. Moulana G. Jamadar,
13. •	Dr. Sumil P. Bhamre,
	All are Medical Officers in State of Maharashira)
	C/o Shri A.A. Desai, Advocate, MAT, Mumbei). Applicants
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O.As. No.623/2023 & 4 Ors.

- The State of Maharashira,
 Through the Principal Secretary,
 Public Health Department, 10th Floor,
 G.T. Hospital Compound, Mumbai
- 2. The State of Maharashira,

 Through its Secretary, Public Health Department)

 10th Floor, G.T. Hospital Compound, Mumbai
- 3. The Commissioner of Health & Mission Director.)
 National Health Mission, Arogya Bhawan,)
 St. George Hospital Compound, CST, Mumbai)
- 4. The Director of Health Services.

 Arogya Bhawan, St. George Hospital Compound,)

 Near CST, Mumbai

)
- 5. The Under Secretary, Public Health Department,)

 10# Floor, G.T. Hospital Compound, Mumbai). Respondents

WITH

original application no.658 of 2023

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Dr. Meera Chincholikar, Age 58 years, Medical Superintendent, Rural Hospital, Babhalgaon, District Latur



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1.	The State of Maharashiga,
	Through the Principal Secretary,
•	Public Health Department, 10th Floor,
	G.T. Hospital Compound, Mumbai
2.	The State of Maharashira,
	Through its Secretary, Public Health Department
	10th Floor, G.T. Hespital Compound, Mumbai
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3	The Commissioner of Health & Mission Director, }
	National Health Mission, Arogya Bhawan,
-	St. George Hospital Compound, CST, Munibai
4	The Director of Health Services,
•	Arogya Bhawari, St. George Hospital Compound,)
	Near CST, Mumbei
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••	The Under Secretary, Public Health Department,
•	10th Floor, G.T. Hospital Compound, Munibal). Respondents
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Rajkumar B. Gaikwad,

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3.	Dr. Vidya Sharma,			•
4	- Section Security.			
5.	Dr. Avinash Kulkarni,	ز.	.•	
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7.	Ganesh Jadhav,	}	• .	•
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	The State of Mahareshtra,	s	_	
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	10th Floor, G.T. Hospital Compound, Mumb	ar.		•
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	National Attack St. George Hospital Compound, CST, Mumb	aī) ``		
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	The Director of Health Services,)		
4.	The Director of Heads 2 Arogya Bhawan, St. George Hospital Compor	md,)	N	
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•	10th Floor, G.T. Hospital Compound, Mumbai) .
6.	The Finance Department,	1
υ,	Through its Secretary, St. Floor, Mantralaya,	,
	Mumbai 400032)Respondents
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	with .	•
(5)	origibal application no.100	66 OF 2023
•	•	
	•	DISTRICT : MUL
•		
Dr.	Ujwala Subhash Tajale,	}
Cla	ss-I Medical Superintendent, Viraj Row Hergalow	
	ndhkuti Bungalow, Sr. No.899/01, Nagare Mala,	,
	er Samrat Symphony, Nashik 422009)Applicant
		•
	Versus	
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1.	The State of Mahazashiya	• • •
	Through the Principal Secretary,	1
	Public Health Department, 10th Floor,	} .
	G.T. Hospital Compound, Mumbai)
	•	•
2.	The State of Maharashira,) .
•	Through its Secretary, Public Health Departme	nt)
	10th Floor, G.T. Hospital Compound, Mumbai)
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National Health Mission, Arogya Bhawan, St. George Hospital Compound, CST, Mumbai The Director of Health Services, Arogya Bhawan, St. George Hospital Compound,) Near CST, Mumbai The Under Secretary, Public Health Department,) 10th Floor, G.T. Hospital Compound, Mumbal -) The Finance Department, Torough its Secretary, 5th Floor, Maniralaya,)...Respondents Mumbai 400032 Shri Abhiject Desai with Shri Karan Gajra & Shri Vijay Singh - Advocates for the Applicants Ms. S.P. Manchekar -- Chief Presenting Officer for the Respondents-Smt. Justice Mridula Bhatkar, Champerson Smt. Medha Gadgii; Member (A) 24th August, 2023-RESERVED ON 31= Arigust, 2023 PRONOUNCED ON: Smt. Medha Gadgil, Member (A) PER JUDGMENT

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1. The applicants who were working in the cadre of Medical Officers (Doctors) have filed the present OAs for continuation in service till they attain the age of 60 years in view of amendment to Rule 10 of MCS (Pension) Rules, 1982 by notification dated 23.2.2022.

- 2. In OA No.623/2023 Ld. Advocate for the applicants prayed for interim relief that these applicants should not be retired on 31.5.2023 and in this behalf he placed reliance on the order dated 26.5.2023 passed by the Honble Bombay High Court, Bench at Nagpur in W.P. No.3345 of 2023 Anii J. Rudey Vs. The State of Maharashtra & Ors. After hearing both the sides Single Bench of this Tribunal by order dated 1.6.2023 granted interim relief to the applicants and respondents were directed to continue the services of the applicants if they have not crossed 60 years of age, on the ground that the last provise stating the amendment was in force till 31.5.2023, is much debatable.
- 3. However, in OA No.626/2023 Hon'ble Chairperson sitting singly declined to grant interim relief to another batch of Medical Officers on 5.6.2023 on the ground that applicants are no longer in service on 5.6.2023.
- 4. The Government in the Public Health Department from time to time has extended the age of retirement of the Medical Officers from 58 years to 60 years. The GRs dated 30.5.2015, 30.6.2015 and 3.9.2015 were issued in this respect.
- 5. Since the decision to extend the date of retirement was by way of executive decision the same was quashed and set saide by the Honble High Court, Bench at Aurangabad by its order dated 20.3.2020 passed in W.P. No.5402 of 2018 Dr. Sanjay R. Kadam & Ors. Vs. The State of Maharashira & Ors. wherein in para 55 it is observed that:

"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, Cail Surgeons and · 教徒 : 11 |

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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 dear that the State Government shall not grant further extension by way of executive instruction without the authority and power under the statute."

- The State Government issued appropriate clarification to overcome the anomaly and GR dated 29.5.2018 was issued whereby the age of retirement was increased from 58 to 60 years with appropriate amendment to the MCS (Pension) Rules, 1982. Further GR dated 1.7.2019 was issued for increasing age of retirement from 60 to 62 years in order to have experienced hands in the field of Medical Services. However, this extension was operational till \$1.5.2021.
- 7. Subsequently, GR dated 9.8.2021 was issued confirming that the age of retirement to that of 62 years is under consideration. This was in the backdrop of situation created by COVID-19 Pandemic as it was not possible for the State Government to appoint new officers to address the emergency like situation created by COVID-19. This extension upto 62 years was operation from 31.5.2019 to 31.5.2022.
- 8. All these GRs were finally incorporated by way of amendment to Rule 10(1) of MCS (Pension) Rules, 1982 vide amendment dated 23.2.2022. We quote Section 10(1):

"(v) 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:-

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

- 9. Ld. Advocate for the applicants argued that Public Health Department had erroneously interpreted the GR. Ld. Advocate for the applicants also made submissions regarding the principles of legitimate expectation and promissory estoppel.
- 10. Ld. Advocate for the applicants challenges the constitutional validity of amended Rule 10(1) of the MCS (Pension) Rules, 1982 to the extent that it raises the age of retirement only till 31.5.2023. He submits that there is no rationale behind this provision. He also submits that there is no intelligible differentia in excluding the employees due for retirement beyond 31.5.2023 from the extension of this retirement age of 60 years. The action and intention of the Legislature to restrict the extension of retirement only till 31.5.2023 is unreasonable, irrational and violative of the fundamental rights of the applicant under Article 14, 19 and 21 of the Constitution of India.
- 11. Id. Advocate for the applicants relied on the affidavit dated 24.7.2023 filed by Shri Ashish Kumar Singh, Additional Chief Secretary (Treasury & Accounts), Finance Department, Mantralaya, Mumbai in

compliance of the order dated 15.6.2023 passed by this Tribunal. In the said affidavit in para 8 it is stated as under:

- *8. Hence, Medical Officers who do not citain the age of 60 years during the period from 1.6.2022 to 31.5.2023 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 24.4.2023 will retire on 30.4.2025 instead of retiring on 31.5.2023 as per the above provision. Also Medical Officers who will complete 58 years of age on 24.6.2023 will however retire on 30.6.2023 as per original provision of Rule 10 of the Maharashtra . Guil Services (Pension) Rules, 1982."
- The Chief Secretary concurred with the stand taken by the Public Health Department. This fact was brought on record by affidavit dated 21.8.2023 filed by Shri Deepak Nivratti Kendre, Deputy Secretary, Public Health Department, Mantraleya, Mumbai.
- Another order dated 27.4.2023 was passed by this Tribunal at Nagpur Bench in OA No.335/2023, para 4 of which reads as under.
 - The notification dated 23.2.2022 show that the same is in force till 31.5.2023. The applicant has been completing 58 years on 31.5.2023. Therefore, the retirement of the applicant can only be . extended upto 31.5.2023. In view of the CR the OA is disposed of with direction to the respondents to continue the service of the applicant till 31.5.2023 as per notification.
- The learned C.P.O as we found was put in a very difficult situation while submitting her arguments. She relied initially on the affidavit in reply of the Public Health Department and then subsequently also relied

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on the affidavit in reply of Shri Ashish Kumar Singh, Additional Chief Secretary, Finance Department and also the opinion given by the Chief Secretary. So initially she opposed the submissions of the learned Advocate for the application, however, after receiving the say of the Finance Department and the opinion of the Chief Secretary, she submitted to the decision of the Court. However, the learned C.P.O vigiliantly answered our queries and gave assistance by producing the Cabinet Note prepared by the then Principal Secretary, Public Health Department, Mr Pradeep Vyas, when the Notification dated 23.2.2022 was issued.

15. Ld. CPO initially relied on the affidavit dated 7.6.2023 filed by Karuna Bhikaji Surwade, Chief Administrative Officer in the office of Commissioner, Health Services, Mumbai wherein para 13 and 23 reads as under:

*13. With reference to contents of paragraph No.VII(4), I say that Finance Department has made amendment in rule 10 of MCS (Pension) Rules, 1982 vide notification dated 23.2.2022 and as per the said notification the various provises of extending the age of superannuation till the age of 60 years shall be inforce till 31.5.2023. Beyond the date 31.5.2023 the date of superannuation will be 58 years of age.

Careful perusal of the facts reveals that Medical Officers have been given extension from time to time on the basis of GR. However, judgment : 15. and order dated 20.3.2020 passed Hon'ble High Court, Bench at Aurangabad in W.P. No.5402 of 2018 Dr. Sanjay R. Kadam & Ors. Vs. The State of Maharashira & Ors. (supra) made it clear that State Government shall not grant further extension by way of executive instructions without the authority and power under the statute. After perusal of amendment in Rule 10 of MCS (Pension) Rules, 1982 by notification dated 23.2.2022 it is clear that as per the said notification the various provisos of extending the age of superennuation till the age of 60 years shall be in force till 31.5.2023. Beyond the date 31.5.2023 the date of superannuation will be 58 years of age.

The only issue in these matters is the interpretation of the last proviso of the Noblication dated 23.2.2022. In the Cabinet Nobl, we find it is specifically mentioned that the reason and the purpose of Notification is to meet a peculiar situation when the Public Health Department has come across 70% vacancies in the post of Medical Officers at different levels. Hence, originally in the year 2015 the age of retirement was extended from 58 year to 60 years. Thereafter, it was extended from 60 to 62 years so that there should not be insufficiency of medical help. We also took judicial note that in the years 2020, 2021 and 2022 we all were affected by COVID-19 Pandemic and therefore with a view to support and meet the need of the time, the age of retirement was increased by Notification dated 23.2.2022. However, this Notification has specifically mentioned the proviso in the last line, which is very important. The Single Bench in its order dated 1.6.2023 in O.A 623/2023 has also observed that all these provisions will be in force till 31.5.2023, is much debatable. Thus, it is a matter of interpretation of that provise. The affidavit in reply of Shri Ashish Kumar Singh, Additional Chief Secretary, Finance Mr. Sil. Haray

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Department and the opinion of the Chief Secretary is ultimately an interpretation of the said provise of the Notification dated 23.2.2022, by the executive. We are of the view that the said interpretation is not correct as it is not in consonance with the Cabinet Note which was placed before us and which was taken into account while issuing the Notification dated 23.2.2022.

18. We rely on the observations of the Honble Supreme Court in Civil Appeal No.7580 of 2012 Dr. Prainsen M.P. & Ors. Vs. State of Revalu & Ann. decided on 25.8.2023 in similar set of facts concerning the extension of age of Homeopathic Doctors from 55 to 60 years. The Honble Supreme Court has observed as under:

"II. It is well-settled that the age of retirement is purely a policy matter that lies within the domain of the State Government. It is not for the courts to prescribe a different age of retirement from the one applicable to Government employees under the relevant service Rules and Regulations. Nor can the Court insist that once the State had taken a decision to issue a similar Government Order that would extend the age of retirement of the staff teaching in the Homeopathic Colleges as was issued in respect of different categories of teaching stuff belonging to the Dental stream and the Ayuntetic stream. The said G.O. ought to have been made retrospective, as was done when G.O. dated 14th January, 2010 was issued by the State and given retrospective effect from 1st May, 2009. These are all matters of policy that engage the State Government. It may even elect to give the benefit of extension of age to a particular class of Government employees while denying the said benefit to others for valid considerations that may include financial implications, administrative considerations, exigencies of service, etc.



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As regards the issue of principles of legitimate expectation Ld. Advocate for the applicant relied on para 19 of the said judgment in Dr. · Prakasan M.P. (supra) which reads as under:

No doubt, the appellants were the first to raise the battle cry when they filed not one, but two writ petitions in the High Court for extending them the benefit of G.O. dated 14th January, 2010. But it is a matter of record that there was no positive order granted in their favour throughout. Even in the present proceedings, no interim order was passed in favour of the appellants who have superarrunted in the meantime. The clock cannot be put back for them by reading retrospectivity in the G.O. dated 09th April, 2012, when the State elected not to insert any such clause and evidently intended to apply it with prospective effect. The idea behind extension of retirement age of doctors was to take care of the emergency situation caused by shortage of doctors, which was resulting in affecting the studies or patient care. It was not merely to grant benefits to a particular class. The Dactrine of Legitimate Expectation does not have any role to play in matters that are strictly governed by the service regulations. This is an exercise that is undertaken by the State in discharge of its public dities and should not brook undue interference by the Court."

70% vacancies subsequently COVID-19 Pandemic led to the legislature to issue the Notification dated 23.2.2022. On our query, learned C.F.O furnished the information that now the Public Health Department is in the process of filling up the vacancies and now the percentage of vacancies has dropped down and will reduce considerably in future as fresh posts of Medical Officers are advertised.

In our considered view, the erstwhile compelling circumstances of

21. In view of this, we say that no Doctors at the regular age of retirement of 56 years is cutified to get benefits of extended age and can remain in service after 31.5.2023.

22. Hence, we hold that all these Original Applications deserve to be dismissed. All the above Original Applications are dismissed. Interim relief is discharged. No orders as to cost.

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(Media Gadgii) Member (A) 31.8.2023 rai_

(Mridula Bhatisu, J.) Chairperson 31.8.2023

Dictation taken by: S.G. Jawalkar.





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IN THE HIGH COURT OF JUDICATURE AT BOMBAY : CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11453 OF 2023

Dr. Mahendra Vilas Phalke And Ors

Patitioners.

V/S

The State Of Maharashtra Thru The Print Secretary, Public Health Dept. And Ors

Respondents

WRIT PETITION NO. 11452 OF 2023

Dr. Vikasini Narzadra Chavan And Ocs

Petitioneis.

VİS.

The State Of Maharashtra Thru The Prin. Secretary, Public Health Dept. And Ors

Respondents

WRIT PETITION NO. 11454 OF 2023

Dr. Avinash Kulkarni And Ors

Pentioners.

V/S.

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The State Of Mahatashtra Thru The Prin. Secretary, Public Health Dept. And Ors

Respondents.

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WRIT PETITION NO. 11494 OF 2023

Dr. Shobhana Rohidas Chavan And Anr

Petitioners.

V/S.

The State Of Maharashora
Thru The Prin. Secretary,
Public Health Dept. And Ous

Respondents.

Mr.Virendra Tulzapurkar Senior Advocate a/w. Mr.Abhijeet A.Desai a/w. Mr.Shrikant Patil a/w.Mr.Arjun Pawar a/w. Mr.Karan Gajra a/w. Mr.Vijay Singh a/w. Ms.Daksha Punghera for the Petitioners.

Dr.Birendra B. Saraf Advocate General a/w. Shri.P.P.Kakade Government Pleader a/w. Shri.N.K.Rajpurchit, AGP for State-Respondents in all WPs.

> CORAM: NITIN JAMDAR, AND MANJUSHA DESHPANDE, JJ.

DATE: 5 October 2023.

PC:

The Petitioners, permanent Medical officers working in the Public Health Department of the State of Maharashtra approached the Maharashtra Administrative Tribunal seeking the prayer to allow the Applicants to continue in their services in case their services are deemed to be relieved with effect from 31st May, 2023 by giving effect to the 2nd part of the proviso of Rule 10 of Maharashtra Civil

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Services (Pension) Rules, 1982. By the impugned order passed by the Tribunal on 31 August 2023, the Tribunal has dismissed the original applications. After the impugned order is passed by the Tribunal on 31 August 2023, the Petitioners have been discontinued from the service. Thereafter, these Petitions are filed.

- 2. Heard MrVirendra Tulzapurkar Senior Advocate for the Peritioners and Dr.Birendra Saraf Advocate General for the Respondents.
- Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982 specified the retirement age of government servants such as the Petitioners as 58 years. A Government Resolution was issued on 29 August 2018 by the Public Health Department, citing the dearth of Medical Officers faced by the State Government. The Public Health Department took a decision to extend the age of retirement of Medical Officers serving in the Public Health Department from the age of 58 to 60 years. It was also resolved that appropriate amendment to Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, "MCS (Pension) Rules, 1982). shall be made in due course of time.
- 4. Accordingly, the amendment to MCS (Pension) Rules 1982 was made vide notification dated 23 February 2022. The relevant portion of the amended Rule 10 reads as under:

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Rule 10. Age of Retirement

(1) Except as otherwise 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:

Provided that, the Officers in District Civil Surgeon. Specialist.
Police Surgeon and Medical Officers Cadres in Maharashura
Medical and Health Services, Group A and Medical Officers
Cadre in Maharashura Medical Insurance Services. Group A (In:
Pay Level in Pay Marrix S-20 and above as per Seventh Pay
Commission) shall resire from the service on the afternoon of
the last day of the month in which he agains the age of 60
yeas:

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 Districture 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 arrains the age of 60 years:

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

The said amendment was effected by way of notification on 23 February 2022. It was given effect from 1 June 2022; as a result of which, the Medical Officers in the employment of the Public Health Department who were on the verge of retirement, continued to be in the employment of the Government even after attaining the age of 58 years. The Proviso provides that the Medical Officers shall retire from service on the afternoon of the last date of the month in which



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the Officer arrains the age of 60 years. The said Proviso was further qualified by a rider in the form of Third proviso it shall be in force. ill 31 May 2023

All the Petitioners were serving in the Public Health Department even after attaining the superannuation of age of 58 years, as provided under Proviso to Rule 10(1) of the MCS (Pension) Rules, 1982. The Peninoners were discharging their duties till 31 May 2023. A notification was issued on 31 May 2023, purportedly releiving their services. Apprehending termination, they approached the Tribunal with a prayer to continue them in their services in case their services are deemed to be relieved with effect from 31 May 2023 by giving effect to the second part of the proviso of Rule 10 of Maharashtra Civil Services (Pension)Rules, 1982. According to the Petitioners, the proviso to Rule 10(1) of the MCS Rules, 1982, has been misinterpreted, and the Petitioners have been made to retire with effect from 31 May 2023. They contended that as a normal rule, Rule 10(1) of the MCS Rules, 1982 prescribes the age of retirement to be 58 years, however, the said Rule 10(1) was amended on 23 February 2022, and the Petitioners benefited due to the said amendment and got benefit of the extended age of retirement of 60 years. The Tribunal rejected these contentions,

The genesis of the dispute is this amendment to Rule 10 of MCS (Pension) Rules, 1982. As regards the implication of this proviso as to whether the age of retirement at 60 years as provided in

5 of 10

the amendment would continue even beyond 31 May 2023, the Tribunal has observed that even the Peritioners have not crossed the age of 60 as of 31 May 2023 and would stand retired on superannuation on 31 May 2023. The Peritioners contend that this interpretation is entirely incorrect and according to them, the extension of the age as per the proviso of 60 years would continue to apply till 31 May 2023 and those who do not attain the age of 60 as of 31 May 2023 will continue till they attain the age of 60 years. Peritioners contend that once the Rule has changed their retirement age to continue till the age of 60 years, the proviso cannot take it away.

- 7 Argusble questions are zaised Rule Respondents waive service.
- 8 We have beard the learned counsels for the parties on the grant of interim relief.
- The Peritioners have made out a prima facie case. The stand of the State Government itself, more particularly the Chief Secretary, which is reiterated before us by the learned Advocate General which supports the interpretation placed on Rule 10 by the Petitioner
- As of date, the Petitioners are not in service, but the Petitioners have not completed the age of 60 years as of today. Generally, by

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mandarory interim injunction, the Court may not direct that an employee be taken into service. However, the position before us is peculiar. The State Government has supported the interpretation placed on Rule 10 by the Petitioners.

11. It is pertinent to note that before the Tribunal, there was a divergence of views as regards the interpretation mentioned above of the amendment between the Health Department of the State and the Finance Department. The Health Department of the State had contended that irrespective of completion of the age of 60 years, the Perinoners would stand retired as of 31 May 2023. The Finance Department, however, through the Additional Chief General Secretary, had filed an affidavit before the Tribunal stating as under:

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 31.05.2018 for period of five years i.e. dated 31.05.2023.

Hence, medical Officers who do not awain 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 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 Maharashura Civil

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Services (Pension) Rules, 1982."

Because of this divergence of views between the two departments, the Tribunal passed a specific order on 31 July 2023 directing the Chief Secretary to decide and inform the Tribunal. Thereafter, the Chief Secretary took the following decision:

"As there was contrary view taken by the Finance Department and the Public Health Department regarding the interpretation of the amendment to 10 of MCS (Pension)Rules by Notification date 23rd February 2022, the Honble MAT, Mumbai directed the Chief Secretary to find our correct decision and inform accordingly.

I perused the relevant documents as well as the Notification dated 23th February 2022 issued by the Finance Department. I concur with the stand taken by the Finance Department in their affidavit dated 24th July 2023 as being the concerned Administrative Department in the matter."

This decision was placed on record by way of an affidavit. Interestingly, the note of the Chief Secretary was placed on record by the Secretary of the Public Health Department. Therefore, it is clear that even this divergence did not exist.

12 The Tribunal, however, has not given credence to this stand taken by the State Government before it and has referred to the Cabiner note dated 19 July 2018. We have perused the said note. This note precedes the amendment. This note by itself does not throw light on the various interpretations that arise regarding the amendment carried out thereafter. Though, it is correct that the



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interpretation given by the State Government to statutory Rule will not preclude from taking a different view, for the interim order, we cannot overlook the stand of the State Government through the Chief Secretary reiterated before us by the learned Advocate General Considering these factors and since, if no interim relief is granted, the Petitions would become infructuous, we are inclined to grant interim order.

Accordingly, there shall be an interim relief in terms of prayer danse (f).

"(f) Pending the hearing and final disposal of present Perition, this Hon'ble Count be pleased to allow the Petitioners to commune in their services in case their services are deemed to be relieved with effect from 31.05.2023 by giving effect to the 2rd part of the proviso of Rule 10 of Maharashtra Civil Services (Pension) Rules, 1982;"

We make it clear that the continuation of the Petitioner after they are so reinstated under the interim order till they attain the age of 60 years will be subject to the outcome of this Petition. The question of the Respondents' power, in case the Petitioners, full in their challenge, to pass necessary orders in respect recovery /adjustment of the Pay/Wages paid to them for the services rendered under the interim order, is kept open

The learned Advocate General states that this order should not be construed as applying to even those who have accepted the retirement and without protest took retirement. As far as the

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Peritioners are concerned, this question does not arise because the Peritioners have been contesting the litigation. As and when the contingency pointed out by the learned Advocate General arises, appropriate view/decision will be taken in those cases.

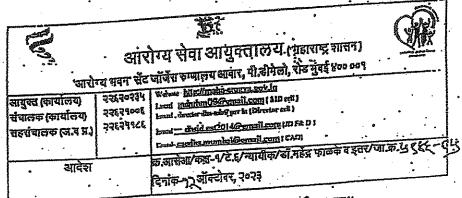
(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)



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विषय- याचिका क्र.१९५५३/२०२३ टॉ.महेंद्र विलास फार्टिक व इतर ४ याचिका क्र.१९४५२/२०२३ सॉ.विकासीनी चंदाण व इतर ५ याविका इ.१९४९५/२०२३ डॉ.शोमना रो.चवाण व इतर १

संदर्भ-शुमा तम्ब न्यासालय, मुंबई यांचे दि.०५.१०.२०२३ रोजीचे अंतरिम सादेश श्वासन्पत्र क्र.न्याया-२०२३/प्र.क्र.३७३/चेत्रा-२ दि.१९.१०.२०२३

शासन, दित्त दियाग दि.रई.०२.२०२६ रोजीच्या अधिसूचनेनुंसार दि.३१.०५.२०२३ रोजी ५८ वर्षे वा त्यापेक्षा स्रधिक वय झालेल्या सार्वेजनिक सारोग्य विमागाच्या स्रविनस्य महाराष्ट्र वैद्यकीय व आरोग्य सेवा, गट-ज (एस-२० व त्यावरील) संवर्गावील सविका-मांना दि ३१ क्षेत्र राजी सेवागुक्त करण्यात आले आहे.

· यासंदर्मात खालील नमूद अधिका-यांनी मा उच्च न्यायालय, मुंबई येथे दयवाट मिळण्याकरीता विषयोकीत दावे दाखल केले आहेत. सदर प्रकरणी भारतव्य न्यावालय, मुंबई येथे दि.०५.९०.२०२३ रोजी सुनावणी होवून त्यासंदर्भात अंतरिम आदेश पारित केले आहेत.

त्यास अनुसकन याचिकेतील खालील नमूद अधिका-यांना पदस्यापना देण्यासंवधी शासनाने संदर्भं क्र.२ अन्वये निर्देश दिल्यानुसार, खालीलप्रमाणे त्यांचे नावासमीर नमूद केलेल्या रिक्तं पदावर यांद्वारे पदस्थापना देण्यात येत आहे.

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-9	रूटमहेंद्र विलास फाळके	
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	डॉ. हुकुमचंद आवा पाटोंटे	राहायक संवालक (कुन्डरोग), आरोग्य सेवा, पुणे
<u>२</u>	डॉ विजय नथ्युजी हेकाटे	सहायक संवातक (वयरोग), सहसंचालक (कुन्तरोग च ध्रयरोग
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1	डॉ.अशोक चंसाणे	देवकीय अधिकारी, प्राक्षा,संज्ञांबीली चि.माशिक	
95	डॉ.रगजित कृषि के ∙	रेटकीय अधिकारी, प्रात्मा के खडकाना वी गावन जि.पुर्व	
99	कां.अविनाश सिवशरण	र्थवर्कीय संधिकारी, अं.सा. <i>सं.</i> देगमपूर वि.सीलापुर	
45	र्सं गीलांगा जमादार	वैद्यकीय श्रीध्यक, आ.रु.गलकापुर चि.कोरहापुर	
. 43	डॉ.सुनिल गांगरे राहारक संचालक, महाराष्ट्र राज्य एड्स निवंत्रण संस्था		
		वसान, मुंबई	

गा.उच्य न्यायालयाचे अंगरिष आदेशानुसार संबंधीत अधिका-थांना बक्क्यी ६० वर्षांपर्यंत देण्यात. आलेली पदस्थापना ही सदरहु बाधिकेच्या अंतिष निर्णयाच्या अधीन राहील. सदर अंकरणी मा.उच्य न्यायालयाचा अंतिष निर्णय याधिकाकर्ते यांच्या विरोद्यात येल्यांस, मा.उच्य न्यालयाची पारित केलेल्या सदरील अंतरिम आदेशानुसार याधिकाकर्ते यांना अदा करण्याद्य येणा-या वेतनात्री एसूली/ वेतनाचे समायोजन करण्यादा अधिकार शासनास सुलो राहील.

त्तहसंचालक, आरोग्य सेवा (कुण्डरोग वं इयरोग), पुणे वसंच जपसंचालक, आरोग्य सेवा, परिवंडने यांनी संवंधितांना वातकांक रुखू करन ध्यादे व स्तर्ववंधीया अनुपोलन अहवाल शासनस्य व आयुक्तालयास सादर करावा.

> ्धीरज कुरार, भा.म.सं.) बायुक्त, जारोन्य सेवाक्या खमियान संवालंक, राष्ट्रीय आरोन्य अमियान, मुंबई

प्रदि

संबंधित बाबिकाकर्ते अधिकारी.

(वंशीवन सहसंबालक, आरोग्य सेवा (कुरुरोग व सवरोग), पुंगे/ चपसंवालक, आरोग्य सेवा, ठागे/ युगे/ नाशिक/कोल्हापुर वार्वमार्कता

प्रव संबिनवं सादर-

- १) मा. अपर मुख्य चाचिव, सार्वजनिक आरोप्य दिवाय (सेवा-२), मंत्रालय, भूंबई
- रा ना अयान सचिव, सार्वजनिक आरोग्ब विमागः, नंत्रालय, सुंदई
- गाअकल्प संचालक, मंहाराष्ट्र राज्य एस्स नियंत्रण संस्था, पडाळा, मुंबई
- ४) मा.जासकीय अभियोक्ता, मा.चच्च न्यायालयः बुंबई 🕝

प्रब कार्यबाहीसाठी-

- चहचंबाळक, शारीग्वं सेवा (कुण्डरोग व हवरोग), पुणे
- र) चपरांचालक, आरोग्य सेवा, हाणे/ युणे/ नाशिक/ कोल्हांपुर
- च मुख्य कार्यकारी अधिकारी, जि.म., पुगे/सोलापूर/नातिकं
- धे जिल्हा आरोग्य अधिकारी, जि.प., पुणे/सोलापुर/नांशिक
- प) जिल्हा ज्ञाल्यचिकीत्सक, जि.च. ठाणे/रायगृङ्/कोल्हापुर
- ह। जिल्हा कोषामार अधिकारी, वाषे/पुषे/रायगढ/सोलापुर/कोल्हापुर/नाशिक

प्रत माहितीस्तव-मुख्य सादरकर्ता अधिकारी, गा.गहाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई/ औरंगावाद/ गू.गपूर







महाराष्ट्र शासन

₹3 <u>]</u>

आयुक्त यांचे कार्यालय, राज्य कामगार विमा योजना

सार्वजनिक वारोग्य विभाग

पंबदीए मदन ६ वा ननला. गाम्य नोमी मान्द्रे लोग्स पोल. पुंचई

OFFICE OF THE COMMISSIONER, EMPLOYEES STATE INSURANCE SCHEME.

Pablic Health Department
Pancheleep Bhavas, 6th Floor, N.M.Joshi Marg, Lower Parel, Mombai - 400 013.

Tel. No. (102) 26955298, 24955316, 24950863, E-mail : este mabajzebba@email.com

/२०२३, दिनांक:- 13 OCT 201 ज्ञ. आयुक्त/रांकावियो/याचिका क्र.११४५४/**२३/वे.अ/**पदस्यापना/काजःश 🕟

> विषय :-रिट पाचिका क्र. ११४५४/२०२३, डॉ. जविनाश कुलकर्णी व इत्तर विरुद्ध महाराष्ट्र शासन

' संदर्भ :- मा. अवर सचिव, सार्वजनिक आरोग्य विभाग, मुंबई यांचे पत्र क्र. न्यायप्र-२०२३/प्रकार७३/सेवा-२ दि.११.१०.२०२३.

शासन निर्णय, वित्त विमाग दि.२३.०२.२०२२ रोजींच्या अधिसूचनेनुसार दि.३१.०५.२०२३ रोजी ५८ वर्षे वा त्यापेक्षा अधिक वय झालेल्या सार्वजनिकआरोग्य विमागाच्या अधिनस्य महाराष्ट्र वैद्यकीय व विमा सेवा, गट-म (एस-२० व त्यावरील) संवर्गतील संघकाऱ्यांना दि ३१,०५,२०२३ रोजी सेवायुक्त करण्यात साले माहे.

यासंदर्भात खालील नमृद अधिकाऱ्यांनी मा. उच्च न्यायालय, मुंबई येथे वयवाढ मिळण्याकारिता विषयांकित दावे दाखल केले आहेत. सदर प्रकरणी मां. उच्च न्यायालय, मुंबर येथे दि.०५ १०.२०२३ रोजी सुनावणी होवून त्यासंदर्भात अंतरिम आदेश पारित केले आहेत.

त्यास अनुसरुन याचिकेतील खालील नमुद अधिकान्यांना पदस्थापना देण्यासंबंधी शासनाने संदर्भीषिन पत्रामच्ये दिलेल्या निर्देशानुसार खालीलप्रमाणे त्याचे नावासमोर नमूद केलेल्या रिक्त पदावर रूनू करुन घेण्यात याने. रुनू करुन वेताना सदर अधिकाऱ्यांना नर त्यांने यापूर्वीचे पद रिक्त नसल्यास, स्मकक्ष नजीकच्या पदावर पदस्थापना देण्यात यावी.

्राज	याचिकाकर्ते अधिकाऱ्याचे नाव व पदनाम	पदस्थापनेचे ठिकाण
٤.	डॉ. अदिनाश कुलकर्णी, विनाखंड अस्थायी वैद्यकीय अधिकारी, गट-अ	: रा.का.वि.योजना रुग्णालय, मुलुंड.
₹- •	डॉ. अलका कांबळे, विनाखंड अस्थायी वैद्यकीय अधिकारी, गट-अं	रा.का.वि.योजना रुग्णालय, मुलुंड.
₽,	डॉ. मृतन सावंत, बालरोग तन्न, गट-अ	रा.का.वि.योजना रुग्णालय, वर्षी प्र
૪.	हॉ. राजकरण सिंग, विनार्खंड अस्थायी वैद्यकीय अधिकारी, गट-अ	रा.का.वि.योजना रुग्णालब उत्हासनगर

या. उच्च न्यायालयाचे अंतरिम आदेशानुसार संवीधत.अधिकान्यांना वयाची ६० वर्धापर्यंत रेण्यात आलेली पदस्यापना ही सदरह याचिकेच्या अतिम निर्णयाच्या अधीन शहील. सदर प्रकरणी मा. उच्च न्यायालयाचा अतिम निर्णय याचिकाकर्ते चांच्या विरोधात गेल्यास, मा. उच्च न्यायालयाने धारित केलेल्या सदरील अंतरिम आदेशानुसार याचिकाकर्ते यांना अद्दो करण्यात यंणान्या वेतनाची वसूली/वेतनाचे समायोजन करण्याचा अधिकार शासनास खुला ग्राहिल.

तरी कामणास आदेशित करण्यात येते की, अपरोक्त नमूद वेसकीय अधिकान्यांना त्यांच्या -नावासमोर दर्शीवलेल्या -आस्थापनेवर यदस्थापना देण्यात याची व केलेल्या कार्यवाहीचा अनुपालन कहंवाल या कार्यांलयास सादर करण्यात थावा.

सहपंत्रे :- वरीलप्रमाणे.

महेकु अ. वरडकर संचालक (प्रशासन) राज्य कामगार विमा योजना, मुंबई.

मति,

- १. वैद्यकीय अधिसक, रा.का.वि.योजना क्यालय, अर्थ
- वैद्यकीय अधिसक, रा.का.वि.चौजना रूणालय, मुलंद.
- ३. वैद्यकीय अधिक्षक, रा.का.वि.योजना रुग्यालय, उल्हासनगर.
- ४. डॉ. अविनाश कुलकर्णी, विनाखंड अस्याची वैद्यकीय अधिकारी, गट-अ.
- ५. डॉ. सलका काँबळे, विनाखंड सस्याची देवकीय गोवकारी, गट-स.
- ६. हॉ. चुतंत्र सावंत, बालरोग तज्ञ, गट-झ.
- ७. डॉ. राजकरण सिंग, विनाइंड अस्थायी वैद्यकीय अधिकारी, गट-स.

प्रतः-

- १. मा. वपरं मुख्य सनिव, सार्वजनिक आरोग्य विमाग (सेवा-१), मंत्रालय, मुंबई.
- २. कार्यांसनं क्रमांक ४ या कार्यालयातील.
- ३. वैयुनितक नस्ती.

√४/निवड नस्ती.



EX-J Colly

SH. MAT-7-2 E

(GCP) J 2565 (M) (50,000_3-2017) IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL ? MUMBAI

versus

The State of Maharashtra and others

... Respondent/s

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders.

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Tribunal's orders

O.A.1107/2023 with O.As 1121, 761, 1021, 1059, 1297 & 1370/2023

Dr. H.P. Henage & Orz. ... Applicants
Vs.
The State of Mak. & Ors. ... Respondents

1. Heard Shri A.A. Desai, Learned Advocate for the Applicants and Ms. S.P. Manchekar, Learned CPO for Respondents.

2. The Learned Advocate for the Applicants states that some Applicants will retire on 31.10.2023 on attaining the age of 58 years. Hence, prays for grant of interim Relief to allow the Applicants to continue in service after 31.10.2023 in terms of the substantive change effected by the Proviso Clause of Rule 10[1] of Maharushira Civil Services (Pension Mairs, 1982 by which their age of retirement had bear raised to 60 years. The Learned Advocate in this regard referred to the Judgment of Honble Supreme Court of India in [2014] 10 SCC 432 [Union of India & Ors. Vs. Atul Shukla & Ors.] decided on 24th September, 2014.

3. The Hon'ble High Court of Judicature, Bombay in Writ Petition No.11453 of 2023 and other Writ Petitions by its order dated 05.10.2023 in respect of the last Proviso Clause "Provided also that the above provisos shall be in force till the 31st May, 2023" of Rule 10(1) of Maharashtra Civil Services [Pension] Rules, 1982" has granted interim Refiel in terms of Prayer Clause (f) of the Writ Petition No.11453 of 2023, which is as follows:

"[i] Pending the hearing and final disposal of present Petition, this Honble Court be pleased to allow the Petitioners to continue in their services in case their services are deemed to be relieved with effect from 31.05.2023 by giving effect to the 2ct part of the proviso of Rule 10 of Maharashtra Civil Services (Pension) Rules, 1982."

4. The Honble High Court of Judicature, Bombay in Writ Petition No.11453 of 2023 and other Writ Petitions in its order of interim Relief 105.10.2023 has also mentioned that the Petitional after they are so reinstated under the intering order will hey attain the age of 60 years will be subject to the With outcome of this Petition. The question of 105.10.2023 Respondents' power, in case the Petitioners' failing 105.10.2023



Office Hotos, Office Messoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders

Tribunol's orders

challenge to pass necessary orders in respect recovery/adjustment of the Pay/Wages said to them for the services rendered under the interim order, is kept open.

- S. These batch of OAs however deals with significantly different issue than of that in Writ Feitition No.11453 of 2023 and other Writ Feititions as the Applicants are those who attained the age of 58 after 31.05.2023 and have since retired from service or are to attain the age of 58 as on 31.10.2023 and thereafter and will retire from service at the age of 58 years but yet seek Interim Relief to be continued in service till they attain the age of 60 years.
- 6. The Honble High Court of Judicature, Bombay in its order has also mentioned that the interpretation given by the State Government to the statutory rule will not it preclude from taking a different view. Hence, if the substantive Proviso Clause of Rule 10 of the MCS (Pension) Rules is to be given effect after 01.06.2023, it will remain debatable issue as to whether the last Proviso Clause "Provided also that the above provisos shall be in force till the 31st May. 2023 will prevail in the substantive Proviso Clauses by which the age of retirement had been raised from 58 years to 60 years and therefore needs to be examined in depth because of has very wide implications on the retirement age of other categories of Government Servants.
- 7. The Interim Relief in this batch of OAs cannot transgress the indicate decided by way of Interim Relief granted by the Hou'ble High Court on 05.10.2023 in Well Petition No.11453 of 2023 and other Writ Petitions and accordingly the following Interim Relief is granted only qua the Applicants.

"Pending the hearing and final disposal of this batch of OAs, the Applicants who have retired after 31.05.2023 on attaining the age of 58 years or are yet to retire on 31.10.2023 and thereafter will continue to be in service till they attain the age of 60 years. However, if the Applicants do not succeed, the Respondents will have the right and authority to pass necessary order to recover and/or adjust the Salary & Allowances paid to the Applicants during the period of the Interim Relief from their Pensionary Benefits.

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Sd/-

(Debandish Chairdharty) Mandar-A 30.10.2023

(Mridule Shather, J.) Chairperson 30.10.2023



ISpL MAT-F-2. Y.

(C.C.P.) J 2250(B) (50,000-2-2015) IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

MA/RA/CA No.

THE RESERVE OF THE PROPERTY OF

Programme of the Management of the state of

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET

Office Notes, Office Memorands of Coram, Appearance, Tribumi's orders or directions and Registrar's orders

Tribunal's orders

Dr. M. Nayyar & Ors. . Dr. S. M. Sonawane & Ors.

Versus

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O.A.No.1450 of 2023 With O.A.No.3477 of 2023 With O.A.No.1549 of 2023

Applicants

The State of Maharashtra & Ors. ... Respondents.

1. Heard Shri A. A. Desal, learned Advocate for the Applicants and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

Learned Advocate for the Applicant submits that (i) Applicant No.2 in O.A.No.1450/2023 - Dr. Amey Kanade (ii) Applicant No.3 in O.A. No.1477/2023 - Dr. Sanjay Bobade and (iii) Applicant in O.A.No.1549/2023 - Dr. Mahesh Patil who are working as 'Medical Officers' are due to retire on 31.12.2023 after attaining age of 58 Years. Hence, learned Advocate for the Applicants prays for grant of 'Interim Relief' to them on similar terms as in order passed on 30,10,2023 in batch of O.A.No.1107/2023. The Applicants in batch of O.A. No. 1107/2023 are also 'Medical Officers' like present Applicants and few of them had retired after 31.05.2023 Learned Advocate of Advocate, therefore, prays that same Interim Relief be granted to (i) Applicant No.2 in O.A.No.1450/2023 - Dr. Amey Kanade (ii) Applicant No.3 in O.A. No.1477/2023 - Dr. Sanjay Bobade and (iii) Applicant in O.A.No.1549/2023 - Dr. Mahesh Patil who are due to retire on 31.12.2023 as well as other Applicants who have retired after 31.05.2023 and up to 30.11.2023.

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2. Learned CP.O.: For Characteristics seeks time to file "Affidavit in Reply".

4. The following Interim Relief is granted to Applicants in this batch of O.A. No. 1450/2023 on grounds of parity with order of Interim Relief passed earlier on 30.10.2023 in batch of O.A. No. 1107/2023 :-

"Pending the hearing and final disposal of this batch of O.A. No. 1450/2023, the Applicants therein who have retired after 31.05.2023 and upto 30.11.2023 on attaining the age of 58 Years or are due to retire on 31.12.2023 permitted to continue in service till they attain the age of 60 Years. However, if Applicants in this batch of O.A. No. 1450/2023 do not eventually succeed, the Respondents will have the right and authority to pass necessary orders to recover and/or adjust from any of their "Pensionary Benefits", the "Salary and Allowances" paid to the Applicants in this batch of O.A. No. 1450/2023 during the period of "Interim Relief."

6. S.O. to 03.01.2024.

Sd/-

Sd/-

(Debashish Chaldabarty) . Member (A)

(Midula Bhattar, J.) Chairperson

VSCC



in the maharasetra administrative tribunal mumbai

ORIGINAL APPLICATION NO.305 OF 2024 WITH ORIGINAL APPLICATION NO.437 OF 2024

Dr. R.J. Thorai & Anr. Dr. Y.O. Shirshetty & Ors.

...Applicants

Versus

The State of Maharashtra & Ors.

)...Respondents

Shri A.A. Desai, Advocate for Applicants. Ms. S.P. Manchekar, Chief Presenting Officer for Respondents.

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> Smt. Justice Mridula Bhatkar, Chairperson Shri Debashish Chakrabarty, Member-A

DATE

26.04.2024

ORDER

- All the Applicants in these 2 OAs who are working as 'Medical Officers' seek extension in age to continue in service till the age of superannuation of 60 years.
- 2. The learned Advocate for Applicants files Pursis' on behalf of Applicants in present OAs. In Pursis', it is submitted that Member (Admn.) was working as 'Chief Secretary'. The concerned papers on the issue of extension of age of 'Medical Officers' were routed through him as routine work, as those papers were required to be placed before His Excellency the Governor through Hon'ble Chief Minister and on one of the Notings, the Hon'ble Member (Admin.) has signed, and therefore, this Tribunal in OA Nos.1107/2023-& other connected OAs. [Dr. Nandkumar Banage & Ors.] wherein Applicants are similarly situated like present Applicants have taken time to consider whether to proceed before this



Bench, and therefore, those all matters are adjourned and are now fixed on 10th June, 2024 as per request made by learned Advocate for Applicants. In the meanwhile, these two OAs are filed wherein the issue of similarly situated 'Medical Officers' is involved. Therefore, we raise same question about the consent of Applicants, as the judicial propriety demands. In the Pursis', now present Applicants have given their oral consent to argue the matter before this Bench and hence, we are

 In the present OAs, learned Advocate for Applicants has submitted Chart of all Applicants wherein 'Date of Birth' and 'Date of Retirement' of all Applicants are mentioned.

proceeding these two OAs.

- 4. In OA No.437/2024, Applicant No.1 Dr. Yashayya G. Shirshetty is going to retire on 30.06.2024, Applicant No.2 Dr. Vidya V. Patil is going to retire on 30.04.2024, Applicant No.3 Dr. Satish D. Suryavanshi is going to retire on 31.05.2024, Applicant No.4 Dr. Rajeev Kumbhare is going to retire on 30.06.2024, Applicant No.5 Dr. Jayant Dabhole is going to retire on 30.06.2024 and Applicant No.6 Dr. Mahadev V. Chinchole is going to retire on 31.05.2024. In OA No.305/2024, Applicant No.1 Dr. Rajabhan Thorat is going to retire on 31.05.2024.
- 5. The learned Advocate for Applicants relied on Order of Hon'ble Bombay High Court in Writ Petition No.463 of 2024 [Bharti P. Chavan Vs. State of Maharashtra & Ors.] decided on 01.02.2024 which is moved for Interim Relief and Hon'ble Bombay High Court protected the Petitioner till the date of her superannuation.
- 6. Therefore in these OAs, we are benefited by the Order passed by Hon'ble Bombay High Court in *Bharti Chavan's* matter (cited supra). The Hon'ble Bombay High Court has reinstated her on the basis of Interim Order' passed on 05.10.2023 in *Writ Petition No.11453 of 2023 [Mahendra V. Phalke Vs. State of Mahanashtra*].



- 7. In view of Order passed by Hon'ble High Court in Bharti Chavan's matter, we protect the services of Applicants 1 to 6 in OA No.437/2024 and Applicant No.1 in OA No.305/2024. We further make is clear that as Applicant No.2 in OA No.305/2024 Dr. Bharati Khandelwal who is going to retire on 30.09.2024, we do not grant her interim protection at this stage because as per directions given by Hon'ble Bombay High Court in Writ Petition No.1416/2024 [Dr. Kailas B. Batte Vs. State of Maharashtra & mamp; Ors] decided on 15.03.2024 wherein Hon'ble Bombay High Court has directed this Tribunal to decide OA 76/2024 on its merit and in accordance with law. Thereafter, Division Bench of this Tribunal has commenced the hearing of concerned OAs on the point of extension in age of Medical Officers' and the matter on this issue is partly heard and now it is fixed on 13th June, 2024.
- 8. We are hopeful that matter will be decided by the Tribunal within a month thereafter, and therefore, no blanket orders of giving extension in age to 'Medical Officers' after 30th June, 2024 can be granted.
- 9. We also make it clear that no Interim Relief is given to Dr. Bhimrao K. Kamble and Dr. Marotin. Pillewar, as they already retired on 31.01.2024 and 30.09.2023 respectively and have not approached the Tribunal before their retirement and they are praying for reinstatement. It is another issue which required to be decided on deliberation of that order.
- 10. Interim Relief in respect of Dr. Bharati Khandelwal is kept open and can be considered in the month of August, 2024, if at all other OAs are not finally decided. But in the meantime, we direct Respondents, not to process her pension-papers until further orders of the Tribunal.
- 11. S.O. to 13th June, 2024.

Sd/-

(DEBASHISH CHAKRABARTY) Member-A Sd/-

(MRIDULA BHATKAR, J.) Chairperson

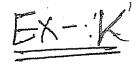
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.463 OF 2024

Bharti Pandit Chavan.

...Petitioner

Versus

The State of Maharashtra, through Principal & Ors.

...kespondents

Mr. Abhijeet Desai a/w. Mr. Karan Gajra, Ms. Daksha Pringhera, N Vijay Singh and Mr. Digvijay Kachare i/by M/s. Desai Legal Advocate i the Petitioner

Mr. B. V. Samant, Addl. G. P. a/w. Mr. A. R. Metkari, AGP for t Respondent (State).

CORAM: A. S. CHANDURKAR,

JITENDRA JAIN, JJ.

1" PERITARY 2024. DATE

PC.

Issue notice to the Respondents, returnable on 15th Februs 1.

2024.

- The learned Additional Government Pleader waives service 2. notice for the Respondents/State.
- The Petitioner who is serving as Medical Officer is aggrie-3. by the order dated 6th October 2023 passed by the Maharash Administrative Tribunal refusing to grant interim relief by applying t amended provisions of Rule 10(1) of the Maharashtra Civil Servi

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(Pension) Rules, 1982 (for short "Rules of 1982") to enable use Petitioner to continue in service till the age of 60 years. The learned counsel for the Petitioner submits that a similar challenge based on the amended Rule 10(1) of the Rules of 1982 is pending before this Court and in *Dr. Mahendra Vilas Phalke & Ors. Vz. The State of Mehanshtra & Ors.* [Writ Petition No.11453/2023] with other connected Writ Petitions, an interim order has been passed on 5th October 2023. By the said interim order, the Petitioner therein who had been relieved from 31st May 2023 were directed to be reinstated in service till the age of 60 years subject to the outcome of those Writ Petitions. This interim order has been passed in case of those applicants who had raised a protest to their superannuation on 31th May 2023.

4. Since the Petitioner had sought continuation in service by seeking benefit of Rule 10(1) of the Rules of 1982 as amended and had approached the Tribunal prior to 31° July 2023, being date of Petitioner's superannuation, following the aforesaid interim order, it is directed that the services of the Petitioner shall be continued till he attains the age of 60 years or the present proceedings are decided, whichever is earlier. This continuation would be subject to the outcome of the Writ Petition. It is made clear that in case the Writ Petition fails, the Respondents would be at liberty to pass appropriate orders with regard to recovery/adjustment of the amounts paid to the Petitioner for



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the services rendered under the interim order Accordingly, the serv of the Petitioner shall be protected till the date of superannuation wi is 31" July 2025.

5. To be heard along with Writ Petition No.11453 of 2023.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR,



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14354 OF 2024

Dr. Rajani Karhade and Ors.

.. Petitioners

Vs.

The State of Maharashtra, Through Public Health Department and Ors.

.. Respondents

Mr. Abhijeet Desai with Ms. Daksha Punghera, Mr. Karan Gajra, Mr. Vijay Singh, Ms. Mohini Rehpade, Ms. Sanchita Sontakke and Mr. Digvijay Kachare, Advocates, i/by Desai Legal, for the Petitioners.

Mrs. D.S. Deshmukh, Assistant Government Pleader for the Respondent-State of Maharashtra.

CORAM: A.S. CHANDURKAR &

RAJESH S. PATIL, JJ

DATE : 15TH OCTOBER 2024.

P.C.:

1. The challenge raised in this writ petition is to the judgment of the Maharashtra Administrative Tribunal in Original Application No.1107 of 2023, with connected Original Applications, dated 11th October 2024. The issue pertains to the effect of the last proviso that was introduced in Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982 pursuant to the Notification dated 23rd February 2022. During pendency of the Original Application, an interim order dated 30th October 2023 was operating similar to the interim orders passed in Writ Petition No.463 of 2024 (Bharti Pandit Chavan Vs. The State of Maharashtra and Ors.) dated 1st February 2024 and Writ Petition No.1416 of 2024 (Dr. Kailas Bhika Batte Vs. State of Maharashtra and Ors.) dated 31st January 2024. The Tribunal

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2023.

while dismissing the Original Application has issued further directions requiring the Public Health Department to issue orders for the retirement of concerned Medical Officers with retrospective effect from 31st May

2. Issue notice to the respondents, returnable on 26th November 2024.

The learned Assistant Government Pleader waives notice for the respondents.

3. Considering the fact that during pendency of the Original Applications an order of interim protection had been passed coupled with the fact that a similar issue is pending in other writ petitions, there shall be ad-interim relief in terms of prayer clauses (d) and (e) of the petition. However, this continuation would be subject to the outcome of the writ petition. It is made clear that in case the writ petition fails, the respondents would be at liberty to pass appropriate orders with regard to recovery/adjustment of the amounts paid to the petitioner for the services rendered under the interim order.

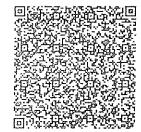
- 4. Accordingly, the services of the petitioners shall be protected till their respective date of superannuation at the age of 60 years.
- 5. Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15093 OF 2024

Dr. Satish Suryavanshi and Ors.

.. Petitioners

Vs.

The State of Maharashtra,

Through Public Health Department and Ors.

.. Respondents

Mrs. Daksha Madhav Punghera with Mr. Karan Gajra, Mr. Vijay Singh, Ms. Mohini Rehpade, Ms. Sanchita Sontakke, Mr. Digvijay Kachare, Mr. Srikant Patil and Mr. Arjun Pawar, Advocates for the Petitioners.

Mrs. Tanu N. Bhatia, Assistant Government Pleader for the Respondent-State of Maharashtra.

CORAM: A.S. CHANDURKAR &

RAJESH S. PATIL, JJ

DATE : 24TH OCTOBER 2024.

P.C. :

1. Heard.

- 2. On perusal of the papers, it is seen that a similar challenge raised to the order passed by the Maharashtra Administrative Tribunal is the subject matter of consideration in Writ Petition No.14354 of 2024 (*Dr. Rajani Karhade and Ors. Vs. The State of Maharashtra and Ors.*). Therein, an adinterim direction has been issued protecting the service of the said petitioners till they reach the age of superannuation of 60 years.
- 3. Issue notice to the respondents, returnable on 26th November 2024. The learned Assistant Government Pleader waives notice for the respondents.

4. In view of the ad-interim order dated 15th October 2024 in Writ Petition No.14354 of 2024, there shall be ad-interim relief in terms of prayer clauses (d) and (e). The petitioners are entitled to continue on service till they reach their respective age of superannuation of 60 years. However, this continuation would be subject to the outcome of the writ petition. It is made clear that in case the writ petition fails, the respondents would be at liberty to pass appropriate orders with regard to recovery/adjustment of the amounts paid to the petitioner for the services rendered under the interim order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]



IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17132 OF 2024

Dr. Gautam Yadavrao Gaikwad and Ors.

.. Petitioners

Vs.

The State of Maharashtra,

Through Public Health Department and Ors.

.. Respondents

Mr. Vijay Singh, i/by Ms. Daksha Punghera, Advocates for the Petitioners.
Mr. N.K. Rajpurohit, Assistant Government Pleader for the Respondent-

State of Maharashtra.

CORAM: A.S. CHANDURKAR &

RAJESH S. PATIL, JJ

DATE : 29TH NOVEMBER 2024.

P.C. :

1. The challenge raised in this writ petition is to the judgment of the Maharashtra Administrative Tribunal in Original Application No.1107 of 2023 (Dr. Nandkumar P. Banage Vs. The State of Maharashtra, through Public Health Department and Ors.), with connected Original Applications, dated 11th October 2024. The issue pertains to the effect of the last proviso that was introduced in Rule 10 of the Maharashtra Civil Services (Pension) Rules, 1982 pursuant to the Notification dated 23rd February 2022. During pendency of the Original Applications, an interim order dated 30th October 2023 was operating similar to the interim orders passed in Writ Petition No.463 of 2024 (Bharti Pandit Chavan Vs. The State of Maharashtra and Ors.) dated 1st February 2024 and Writ Petition No.1416 of 2024 (Dr. Kailas Bhika Batte Vs. State of Maharashtra and



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Ors.) dated 31st January 2024. The Tribunal while dismissing the Original

Applications has issued further directions requiring the Public Health

Department to issue orders for the retirement of concerned Medical

Officers with retrospective effect from 31st May 2023.

2. Issue notice to the respondents, returnable on 13th December 2024.

The learned Assistant Government Pleader waives notice for the

respondents.

3. Considering the fact that during pendency of the Original

Applications an order of interim protection had been passed coupled with

the fact that a similar issue is pending in other writ petitions, there shall

be ad-interim relief in terms of prayer clauses (d) and (e) of the petition.

However, this continuation would be subject to the outcome of the writ

petition. It is made clear that in case the writ petition fails, the

respondents would be at liberty to pass appropriate orders with regard to

recovery/adjustment of the amounts paid to the petitioners for the services

rendered under the interim order.

4. Accordingly, the services of the petitioners shall be protected till

their respective date of superannuation at the age of 60 years.

5. Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]

No.A.12034/1/2014-CHS-V Government of India Ministry of Health & Family Welfare

> Nirman Bhawan, Nev Dated: the 31st May,

ORDER

The President is pleased to enhance the age of superannuation of the spec of Non-Teaching and Public Health sub-cadres of Central Health Service (CHI General Duty Medical Officers of CHS to 65 years with immediate effect.

> (B. Bandyopac Deputy Secretary to the Government of Telefax: 2306

To

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All Participating Units of CHS

Copy for information and necessary action to:

- 1. Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
- Prime Minister's Office, South Block, New Delhi.
- Department of Personnel and Training (Estr. A Section), North Block, New Delhi the request to make necessary amendments in FR-56 and other Central Service 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.
- Ministry of Home Affairs, North Block, New Delhi.
- Department of Higher Education, Ministry of Human Resources and Develope Shastri Bhavan, New Delhi.
- 8. Ministry of Defence, South Block, New Delhi.
- 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 00
- 14. Head Quarters, Municipal Corporation of Delhi, Dr. S.P.M Civic Centre, Minto R. New Delhi- 110 002.
- 15. Government of National Capital Territory of Delhi, Delhi Secretariat
- 16. Adının. I/II, Dte. GHS, Nirman Bhawan, New Delhi
- 17. JS[KLS]/JS[KCS]/JS[RK]/JS[AR]/JS[MJ]/JS[AP]/JS[SS]/JS[DP]/JS[VG]
- 18. DS(CHS)/US(CHS-III & IV)/US(MKS)
- 19. CHS.I/CHS.II/CHS.IV/CHS.VI sections

O. NIC, MoH&FW, Nirman Bhawan for uploading the order on Ministry's web: immediately.

No.A.120347/2014 CHSV Government of Irola Moistry of Health & Family Welface

Numan Bhawan, New Deshi Daled 19st July, 2016

OFFICE MEMORANDUM

Subject

Implementation of Cabinet decision concerning anhancement of age of superannuation of the efficers 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 an dated 31st May. 2016 and Department of Personne's Mottication No. GSR 557[2] published in the Gazetie of India dated 31st May, 2016 enhancing the age of supersummation of the officers of Non-Teaching India dated 31st May, 2016 enhancing the age of supersummation of the officers of Non-Teaching Specialist, Public Health Specialist and General Duty Medical Officer (GDMO) sub-cadres of Specialist, Public Health Specialist and General Duty Medical Officer (GDMO) sub-cadres of Specialist, Public Health Specialist and following Central Health Service (CHS) to 65 years. The mailer has been further examined and following the bean further examined and following has been decided.

CHS officers of Non-Teaching Specials! Public Health Specialist and GDMO sub-radies of CHS will hold the administrative posts till the date of attaining the age of 52 years and thereafter their services would be placed in Non-Administrative positions with the following designations:

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<u>; </u>		HÀG and above	SAG
. S. No.	Sub-cadra	The second secon	Consultant
1.	Non-Teaching	Principal Consultant	
	Specialists		Advisur
9	Public Health	Principal Mivisor	
-	Specialists		Senior CMO (SAG)
	GDMO .	Senior CNIO (HAG)	28 IO Pina (qua)
1 3.	Carrote I		

- The officers of Teaching Specialist sub-cadre of CHS will continue to hold Administrative positions to they attain the age of 62 years as provided in this Ministry's OM No. A.11016109-CHS-V dated 24th February, 2012. **(**a)
- A list of administrative positions in various sub-cadres of Central Health Service is annexed.
- This has the approval of the Competent Authority. 3.
- Hindi version follows.

(Tag Kimai) ΝÅ Under Secretary to the Government of India Tet 011-23062550

To All Participating units of CHS

Page 1 of 3...

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- Cabinel Secretariat (Ms. Sarjuida Ray, Okreckori, Rashtrapeli Bhawan, New Delhi with-reference to Cabinel Secretariat note no. 27/CH/2018 dated 16.06.2016(Case No. 178/27/2016)
- 2. PS to HFM / PS: to MoS(HFW)
 3. PPS: to Secretar/(HFW) / PPS: to AS(H) / PPS: to AS(KCS)
 4. PPS: to all ASS / JS: of MoHAFW

- 5. Admin. If II of Dis. SHS, Nirman Bhawan, New Delhi 6. Est. III Section of MoH&FW 7. Hard Section for Hinds version. 6. All Section Gillers in CHS District. 9. NIC, MoH&FW, Nirman Bhawan, New Debt for uploading the order on the website of Ministry

Under Secretary to the Government of India Tet 011-23062550



Annexure to Ministry's O.M.

List of Administrative Positions

- All posts belonging to CHS in the Secretariat of Minkstry of Health & Family Welfare All posts belonging to CHS in Dte. General of Health Services, Nirman Bhavan, N. Delhi L
- All posts belonging to CHS in Dta. Central Government Health Scheme, Nirman Bhavan ï. Œ.
- Dean ïV.
- Director .
- v. VL Principal ·

- Medical Superintendent ۸ĭĽ
- Addl. Medical Superintendent viii.
- Head of Department of respective speciality bc
- Senior Regional Director in Regional office for Health & Family Welfare Additional Director, Central Government Health Scheme
- ¥Į. %
- Additional Director in various CHS participating institutes ХÏL
- In Charge, CGHS Polyclinks XII.

N.B.- The list is only an Mustrative one and is subject to modifications, if required.



'I am not a member of welfare fund

Therefore I have affixed requiredstamp.

VAKALATNAMA

IN THE MAHARASHTRA ADMINISTRATIVE

TRIBUNAL NO.

OF 2024

DIST:

..... Applicant Dr. Supriya Fakirrao

Deshmukh

VERSIIS

The State of Mahalashteii. Respondent/s & 028.

To, The Registrar MAT, Mumbai

I, Supriya Fakirrao Deshmukh, Age: 57 years, Occu: Service R/at plot No-40, Chavan Colony, Devkal Panand do hereby appoint and authorize, Rollapul -416 007.

DESAI LEGAL [I-5528] MAH/2110/2004 High Court, Bombay

to appear, plead and to act for me in the abovematter.

IN WITHNESS WHEREOF I/we have set me /our hand to this writing

Dated This 19 day peconfof 2024.

Witness

I accept

DESÁI LEGAL [I-5528]

Adv. Abhijeet A. Desai

Solicitor England & Wales

{MAH/2110/2004}

411,4th floor, Yusuf Building,

Near Flora Fountain,

Fort, Mumbai- 400 001

M. No.: 9920522440

Ph. No.:022-40047235

E-mail: abhijeeta.desai@gmail.com

desailegal3@gmail.com

Signature

Dr. Supriya Fakirrac

permute

BEFORE THE HON'BLE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH,AT MUMBAI ORIGINAL APPLICATION No. OF 2024

In the matter between:

Dr.Supriya Fakirrao Deshmukh ... A

... Applicant

Versus

State of Maharashtra and Ors

... Respondent

Original Application

Dated this

day of December, 2024

Adv. Abhijeet A. Desai

MAH/2110/2004
Solicitor England and Wales
Advocate High Court
411,4th floor,M.G.Road
Yusuf Building,
Near Flora Fountain,
Fort, Mumbai 4000 01

M. No.: 9920522440, 9552028372, E-mail: <u>desailegal3@gmail.com</u>

abhijeeta.desai@gmail.com