

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 105 OF 2013

DIST. : LATUR

Dr. Anjum Fatima Quadri,
Age. 40 years, Occu. Medical Officer,
Group – A, Sub District Hospital,
Udgir, Dist. Latur.

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APPLICANT

V E R S U S

(1) The State of Maharashtra,
Through Secretary,
Public Health Department,
Mantralaya, Mumbai – 32.
(copy served on C.P.O.,
MAT, Bench at Aurangabad).

(2) The Director of Health Services,
Vth Floor, "Arogya Bhavan",
Near C.S.T., Mumbai.

(3) The Deputy Director of Health Services,
Latur Circle, Latur.

(4) The District Civil Surgeon,
District Civil Hospital, Latur.

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RESPONDENTS

APPEARANCE : Shri J.S. Deshmukh, learned Advocate for the
applicant.

: Smt. Deepali S. Deshpande, learned Presenting
Officer for respondents.

**CORAM : HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN
AND
HON'BLE SHRI J. D. KULKARNI, MEMBER (J)**

PER : HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

J U D G M E N T**(Delivered on this 15th day of December, 2016)**

1. Heard Learned Advocate Shri J.S. Deshmukh for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer (P.O.) for the Respondents.
2. This O.A. has been filed by the Applicant seeking grant to benefit of Assured Career Progression Scheme in terms of G.R. dated 20.7.2001 counting her service before selection by Maharashtra Public Service Commission (M.P.S.C.) on regular basis.
3. Learned Counsel for the Applicant argued that the Applicant was appointed as Medical Officer on ad-hoc basis w.e.f. 21.8.1997. She was selected by M.P.S.C. as Medical Officer in the year 2002. Before her selection by M.P.S.C. the adhoc service of the Applicant was in short stretches with technical breaks. However, by G.R. dated 16.12.2008, such technical breaks have been condoned. The Applicant has completed 12 years of service as Medical Officer and is entitled to be given benefit of Assured Career Progression Scheme introduced by G.R. dated 20.7.2001. The present pay of the Applicant is in the Pay Band of Rs. 15600 – 39100 plus grade pay of Rs. 5400 and she is entitled to the pay Band of Rs. 15600-39100 plus grade pay of Rs. 6600, which scale is

admissible to the post of Civil Surgeon and Specialists. The Applicant has a Post Graduate Diploma in Gynaecology and Obstetrics.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that though the service of the Applicant from 21.8.1997 to 14.11.2002 has been regularized, she is not entitled to count that service for the purpose of seniority. For getting the benefit under A.C.P. Scheme, she is required to have 12 years of regular service, which has to be counted only from 15.11.2002. As such, the Applicant is not entitled to get benefit of A.C.P. scheme, counting her ad-hoc service before regularization.

5. We find that the Applicant joined service on ad-hoc basis w.e.f. 21.8.1997 as Medical Officer, Class-I. She was continued on ad-hoc basis with short technical breaks till she was selected by M.P.S.C. for the post of Medical Officer, Class-I on 15.11.2002. By G.R. dated 16.12.2008, technical breaks in her ad-hoc service have been condoned, which mean that she has been working as Medical Officer, Class-I from 21.8.1997, without any break. This Tribunal has held that service before regularization, can be counted for the purpose of Time Bound Promotion / Assured Career Progression Scheme, though not for seniority. In O.A. no. 644/2011 by judgment dated 1.8.2012, Principal Bench of this Tribunal has in similar circumstances held that ad-hoc service before regularization can be counted for A.C.P. benefit under G.R. dated

20.7.2001. Facts in the present case are identical and the Applicant is eligible to count her ad-hoc service before regularization for the purpose of A.C.P. scheme benefits under G.R. of 20.7.2001. This, is, however, subject to her fulfilling all requirements of G.R. dated 20.7.2001, including the requirement that she is eligible to be promoted to next higher post in terms of recruitment rules.

6. This O.A. is allowed in these terms with no order as to costs.

MEMBER (J)

VICE CHAIRMAN

ARJ-OA NO.105 -2013 JDK (PROMOTION)