

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 217 OF 2021**

DISTRICT : NASIK

1. Dr Dhananjay Ramchandra Deore,)
Occ-Service, R/at Shanti Nagar,)
Bhakshi Road, Near Shankar)
Maharaj Temple, Satana,)
Nasik.)
2. Dr Rupali Shridhar Wagh,)
Occ-Service, R/at Shivneri Bunglow)
Plot No. 13/7/564,)
Mahalakshminagar Dhatarak Phata)
Adgaon, Shivar, Nasik 422 003.)
3. Dr Varsha Jagannath Baviskar,)
C/o: Kirakumar Suresh Borse,)
Maa Santoshi Clinic, Jyoti Nagar,)
Jaykheda, Satana, Nasik.)
4. Dr Ashish Diliprao Sonawane,)
Occ-Service, R/at Anjaneri, Trimbak,))
Nasik.)
5. Dr Manisha Rajaram Mohite,)
Occ-Service, Add: Sr No. 202/2,)
Plot No. 9, Bhygao Kamal Jawal,)
Bhygaon Shiwar, Malegaon,)
Nasik.)
6. Dr Rajashri Rangnath Nikam,)
Occ-Service, R/at Flat No. 23,)
A-wing, The Renaissance Apt,)
Govind Nagar, Nasik.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Principal Secretary,)
Public Health Department,)
10th floor, G.T Hospital Bldg,)
New Mantralaya, Mumbai.)
2. The Commissioner,)
Health and Service & Directors (NHM)
3rd floor, Arogya Bhawan,)
St. George Hospital Campus,)
Near C.S.T, Mumbai.)
3. Deputy Director of Health Services,)
Nasik Division, Trimbak Naka,)
Nasik.)
4. Chief Executive Officer,)
Zilla Parisha, Nasik.)...**Respondents**

Shri S.B Deore, learned advocate for the Applicants.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice Vinay Joshi (Member) (J)

Shri A.M Kulkarni (Member) (A)

DATE : 05.12.2024

PER : Justice Vinay Joshi (Member) (J)

J U D G M E N T

1. Rule made returnable forthwith. Heard finally with consent of both the parties.

2. The applicant No. 1 to 6 have been appointed on ad hoc basis during the year 2007 to 2008 on the post of Medical Officer, Group-B in Public Health Department. By virtue of Notification dated 11.1.2019, they have been absorbed in regular cadre. It is applicants' contention that their appointment till the date of absorption was continued barring few technical breaks. The applicants are seeking for condoning the technical breaks, grant of annual increments, earned leave, past arrears and also counting of the earlier period of service as continuous service.

3. The applicants learned counsel heavily relied on the decision rendered by the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad dated 4.7.2024 in O.A Nos 249/2021 & Ors (Dr Pandit R. Rathod & Ors Vs. The State of Maharashtra & Ors). It has been canvassed that the similar issue fail for consideration before this Tribunal wherein after thorough consideration the benefits of continuous service was extended to Medical Officers, Group-A as well as Medical Officers, Group-B. Learned Presenting Officer has not disputed the said position and conceded that the said decision would apply to the facts of this case.

4. Besides that the applicants have placed on record copy of Government Resolution dated 11.11.2024 under which the State Government by relying on similar decision rendered by the Maharashtra Administrative Tribunal, Mumbai Bench at Nagpur

has accorded the benefits to one other Group-B Medical Officers, namely Dr Shivkumar C. Harinkhede. In the light of the above position, it is quite evident that the facts are very much similar and the issue is no more res-integra.

5. In view of the above, following order is passed.

- (a) The Respondents are directed to count the period of ad hoc service of the applicants for grant of increments, earned leave by condoning the technical breaks in service and for no other purpose.
- (b) The Respondents are directed to issue necessary orders in this regard within three months from the date of communication of this order.
- (c) Original Application stands disposed of in above terms.

Sd/-
(A.M Kulkarni)
Member (A)

Sd/-
(Vinay Joshi, J.)
Member (J)

Place : Mumbai
Date : 05.12.2024
Dictation taken by : A.K. Nair.