

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATIONS 69, 70,71, 72, 73, 74, 75,  
76, 77, 78, 79, 80 & 81 OF 2016**

**DISTRICT : DHULE**

- 1. ORIGINAL APPLICATION NO 69 OF 2016  
ORIGINAL APPLICATION NO 563/2011 (AURANGABAD)**

Dr Sarika Prashant Patil, )...**Applicant**

- 2. ORIGINAL APPLICATION NO 70 OF 2016  
ORIGINAL APPLICATION NO 564/2011 (AURANGABAD)**

Dr Sachin Ratan Bagle, )...**Applicant**

- 3. ORIGINAL APPLICATION NO 71 OF 2016  
ORIGINAL APPLICATION NO 566/2011 (AURANGABAD)**

Dr Prashant J. Patil, )...**Applicant**

- 4. ORIGINAL APPLICATION NO 72 OF 2016  
ORIGINAL APPLICATION NO 568/2011 (AURANGABAD)**

Dr Mrs Priya S. Bagle, )...**Applicant**

- 5. ORIGINAL APPLICATION NO 73 OF 2016  
ORIGINAL APPLICATION NO 570/2011 (AURANGABAD)**

Dr Smt Anita Chintaman Patil, )...**Applicant**

- 6. ORIGINAL APPLICATION NO 74 OF 2016**

**ORIGINAL APPLICATION NO 571/2011 (AURANGABAD)**

Dr Manisha C. Rodge, )...**Applicant**

**7. ORIGINAL APPLICATION NO 75 OF 2016  
ORIGINAL APPLICATION NO 572/2011 (AURANGABAD)**

Dr Shilpa Chetan Pawar )...**Applicant**

**8. ORIGINAL APPLICATION NO 76 OF 2016  
ORIGINAL APPLICATION NO 573/2011 (AURANGABAD)**

Dr Seema R. Wankhede, )...**Applicant**

**9. ORIGINAL APPLICATION NO 77 OF 2016  
ORIGINAL APPLICATION NO 574/2011 (AURANGABAD)**

Dr Mamta K. Borse, )...**Applicant**

**10. ORIGINAL APPLICATION NO 78 OF 2016  
ORIGINAL APPLICATION NO 575/2011 (AURANGABAD)**

Dr Krupali M. Deshmukh, )...**Applicant**

**Versus**

**11. ORIGINAL APPLICATION NO 79 OF 2016  
ORIGINAL APPLICATION NO 576/2011 (AURANGABAD)**

Dr Chetan A. Pawar, )...**Applicant**

**12. ORIGINAL APPLICATION NO 80 OF 2016  
ORIGINAL APPLICATION NO 577/2011 (AURANGABAD)**

Dr Bhushan B. Rao,

)...**Applicant**

**13. ORIGINAL APPLICATION NO 81OF 2016  
ORIGINAL APPLICATION NO 242/2012 (AURANGABAD)**

Dr Payal B Agarwal,

)

C/o: Shri S.D Joshi, Advocate for the

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Applicants, 51, Sarang Society,

)

Near Gajanan Maharaj Mandir,

)

Garkheda, Aurangabad 431 005.

)...**Applicants**

**Versus**

1. The State of Maharashtra

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[copy to be served on the C.P.O

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In M.A.T, Mumbai, bench at

)

Aurangabad.

)

2. The Secretary,

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Medical Education & Drugs

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Department, Mantralaya,

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Mumbai 400 032.

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3. The Director,

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Medical Education & Research

)

Mumbai.

)

4. The Dean,

)

Bhausahab Hire Govt. Medical

)

College & Hospital, Dhule,

)

Dist-Dhule.

)...**Respondents**

Shri S.D Joshi, learned advocate for the Applicants.

Shri K.B Bhise, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**Shri R.B. Malik (Member) (J)**

**DATE : 22.08.2016**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

**O R D E R**

1. Heard Shri S.D Joshi, learned advocate for the Applicants and Shri K.B Bhise, learned Presenting Officer for the Respondents

2. These Original Applications were heard together and are being disposed of by a common order as the issues to be decided are identical.

3. Learned Counsel for the Applicants argued that the Applicants are working as Lecturers/Assistant Lecturers in various Government Medical Colleges. They were appointed on various dates on ad hoc basis before the year 2009 on the recommendations of the Divisional Selection Boards. Some of the Applicants were subsequently appointed on regular basis on the recommendations of the Maharashtra Public Service Commission as Lecturers, while others are still continuing to work as Lecturers/Assistant Lecturers on ad hoc basis. The Applicants claim that the employees of the State Government

were given benefit of the 6<sup>th</sup> Pay Commission from 1.1.2006, retrospectively by G.R dated 10.11.2009, regarding implementation of the recommendations of the 6<sup>th</sup> Pay Commission. As the Applicants were selected through Divisional Selection Boards, they are also entitled to be given pay scale as per the 6<sup>th</sup> Pay Commission from 1.1.2006. However, for the Applicants, the Respondents have applied G.R dated 10.11.2009 prospectively and no arrears were paid to them. Learned Counsel for the Applicants stated that the letter dated 1.10.2010, issued by the Respondent no. 2 to the Respondent no. 3 is discriminatory and arbitrary and is liable to be quashed and set aside.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Divisional Selection Boards were constituted to select candidates for ad hoc appointments to the post of Lecturers/Assistant Lecturers till the regularly selected candidates through M.P.S.C were available. Such candidates were given ad hoc appointments for short periods. The Applicants were entitled to the salary etc. as per the orders of appointments given to them from time to time. The pay scale as per the recommendations of the 6<sup>th</sup> Pay Commission was made applicable to ad hoc employees only from the date of G.R dated 10.11.2009, i.e. the date on which the 6<sup>th</sup> Pay Commission recommendations were implemented in the State. Regular employees were given arrears from 1.1.2006. However, the Applicants were not eligible to get any benefits which were not included in their appointment letters. Learned Presenting Officer argued that this issue has been examined by the Aurangabad Bench of this Tribunal in

O.A nos 562, 565, 567, 569, 742, 743 and 833 of 2011 and 34/2012 by judgment dated 18.3.2016. This Tribunal has upheld the letter dated 1.10.2010 as valid and the claim of ad hoc appointees Lecturers for arrears of pay from 1.1.2006 was rejected.

5. A copy of the judgment of Aurangabad Bench of this Tribunal dated 18.3.2106 in O.A nos 562/2011 etc. is placed on record. The Applicants in those Original Applications were also Lecturers in Government Medical Colleges, who were selected by Divisional Selection Board and the Applicants were initially appointed on ad hoc basis and some of them were later selected through M.P.S.C on regular basis. It was held that the Applicants were not selected initially as per Recruitment Rules through M.P.S.C, and therefore, their services were irregular. In this judgment, earlier judgment of this Tribunal in O.A no 971/2001 dated 15.2.2002 was referred to. It was observed that:-

“They cannot claim parity with those selected through M.P.S.C or those whose services were regularized by G.R dated 22.1.2009.”

It is further observed that:-

“Selection by some Local Board will not make selection lawful unless it can be demonstrated that all eligible candidates had opportunity to be selected. That could have been ensured only by issuing advertisement at State Level in a selection process conducted by M.P.S.C

on a State Level Selection Board by issuing advertisement in widely circulated newspapers. The Applicants do not fulfill those conditions and are therefore, not entitled to 6<sup>th</sup> Pay Commission benefits from 1.1.2006 as claimed by them. The decision of the Respondents has been upheld by this Tribunal in O.A no 561/2011 and others.”

6. We see no reason to have any different view in the matter. There is no doubt that the present Applicants are similarly situated as the Applicants in O.A no 562/2011 and others. They are not entitled to get arrears from 1.1.2006 in terms of G.R dated 10.11.2009. They will be entitled to salary etc. as per their appointment letters issued from time to time before 10.11.2009 and will be entitled to salary in terms of 6<sup>th</sup> Pay Commission after 10.11.2009.

7. Having regard to the aforesaid facts and circumstances of the case, these Original Applications are dismissed with no order as to costs.

**(R.B. Malik)**  
**Member (J)**

**(Rajiv Agarwal)**  
**Vice-Chairman**

**Place : Mumbai**  
**Date : 22.08.2016**  
**Dictation taken by : A.K. Nair.**