

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4534 OF 2007

1. The State of Maharashtra,
Through the Director Education
and Research, Mumbai.
2. The Dean,
Government Medical College &
Hospital, Nanded, Dist. Nanded. .. Petitioners

Versus

Renuka d/o Ramesh Agrawal,
Age : 32 years, Occu. : Service,
(Assistant Lecturer) in I.C.C.U,
At Department of medicine, G.M.C.H.
At Nanded R/o Somesh Colony,
Nanded, Dist. Nanded. .. Respondent

Mrs. A. V. Gondhalekar, Addl.G.P. for Petitioners/State.
The Respondent served.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24TH AUGUST, 2017.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. The present respondent had approached the Maharashtra Administrative Tribunal with a prayer to ignore the technical break in service and directing the present petitioners to give appointment spell after spell, but without giving technical and

artificial break in between two spells, so also seeking directions to release all the benefits including regular increments, leave benefits and all other consequential benefits.

2. Mrs. Gondhalekar, the learned Additional Government Pleader submits that, in fact, the present respondent was terminated vide order passed in the year 2000 itself and after the year 2000 was not in service.

3. In the light of that, certainly the impugned order could not have been passed. Moreover, it would be seen that, the respondent is adhoc appointee, appointed for a fixed period from time to time on the post of lecturer in the Medical College. The respondent was not officiating in a permanent post and so also not substantively appointed under the Government.

4. In the light of the above, the impugned order passed by the Tribunal is quashed and set aside, except to the extent it refrain the petitioners from claiming recovery of the increments given. Rule accordingly made partly absolute. No costs.

Sd/-

[MANGESH S. PATIL, J.]

Sd/-

[S. V. GANGAPURWALA, J.]