

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

WRIT PETITION NO. 259 OF 2017

The State of Maharashtra
and others

...Petitioners

VERSUS

Dr.Sonali Bhausahab
Sayamber

...Respondent

.....

Smt. M.A.Deshpande, A.G.P. For petitioners
Shri V.B.Wagh, advocate for respondent

.....

CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 6th FEBRUARY, 2017

O R D E R :

Mrs. Deshpande, learned A.G.P. submits that the respondent is appointed as a Medical Officer on 1.1.2005. The respondent filed Original Application before the Tribunal claiming annual increment. The learned A.G.P. submits that the respondent was appointed on ad-hoc basis and as such is not entitled for annual increment. The technical breaks are given. It cannot be said that the service is continuous in nature.

2. We have heard Mr. Wagh, learned counsel

for the respondent.

3. The issue raised in the present petition is no more res integra. In earlier Original Application bearing No. 399 of 2003, in case of similarly situated Medical Officer it was held that the Medical Officer is entitled for annual increment. The said order of Tribunal was assailed before this Court by filing Writ Petition. The Writ Petition was dismissed. The order was challenged before the Apex Court in Special Leave Petition. and the Special Leave Petition is dismissed. In view of conclusive finding in the earlier Original Application, the same being confirmed up to the Apex Court in the case of similarly situated Medical Officer, no case for interference is made out in the Writ Petition. As such, the Writ Petition is dismissed. No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)

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