

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.757 OF 2016

1. The State of Maharashtra, through
Government Pleader, High Court
Bench at Aurangabad
 2. The Secretary,
Public Health Department,
Mantralaya, Mumbai – 32
 3. The Director of Health Services,
Arogya Bhavan, Vth Floor,
St. Georges Hospital Campus,
Near CST Mumbai
 4. The Deputy Director of Health Services,
Nasik Circle, Nasik
 5. The District Civil Surgeon,
District Civil Hospital, Ahmednagar
- PETITIONERS
(Orig. Respondents)

VERSUS

Dr. Dipak s/o Harischandra Pardeshi,
Age : 33 years, Occu. Medical Officer
(Group A), Rural Hospital, Shevgaon,
Tq. Shevgaon, District Ahmednagar

RESPONDENT
(Orig. Applicant)

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Mr. S.Y. Mahajan, A.G.P. for the petitioners
None for the respondent

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**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] Heard learned A.G.P. for the petitioners.
- 2] None appears for the respondent inspite of service being effected.
- 3] The Original Applications numbered as Original Application No.510/2013 to Original Application No.520/2013 have been disposed of by a common order dated 10th December, 2014. The applicants before the Tribunal were appointed either as Medical Officers or Lecturers on temporary adhoc basis for short periods. Employment was continued by giving technical breaks till when the applicants were selected on regular basis against permanent posts by the Maharashtra Public Service Commission. The prayer of the applicants before the Tribunal was that the State be directed to grant benefit of service from the date they were appointed temporarily on adhoc basis for short periods for the reason their services were continued with artificial technical breaks till they were permanently appointed.

4] The Tribunal has simply noted the case pleaded by the applicants and disposed of the Original Applications, directing the State to consider the case of the applicants for condonation of technical breaks and extend benefit of increments and the earned leave for the period of service rendered on adhoc basis. The Tribunal has noted the law as to when ad-hoc service needs to be computed for the purposes of annual increments and earned leave. The Tribunal has simply directed that the grievance of the applicants be considered in light of the law.

5] We do not find any mandamus or a direction issued to the petitioners that the period of adhoc services rendered be computed for the purpose of increments and earned leave. The direction is only to consider the representations and pass appropriate orders.

6] Thus, we find no merit in the writ petition, which we dismiss.

7] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE