

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4876 OF 2018

Dr. Anil s/o Gopal Tapadiya,
Age: 42 years, Occu: Medical Practitioner,
R/o. In front of Axis Bank, Ghamodiya,
Nanded, Taluka & District Nanded

PETITIONER

VERSUS

1. State of Maharashtra,
Through Secretary,
Medical Education & Drugs Department,
Mantralaya, Mumbai - 400 032

2. The Director,
Medical Education & Research,
Government Dental College &
Hospital Building,
Saint George Hospital Compound,
Mumbai - 400 001

3. The Dean,
Government Medical College & Hospital,
Nanded

RESPONDENTS

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Mr. S. G. Chapalgaonkar, Advocate for the petitioner
Mr. S. B. Yawalkar, A.G.P. for the respondents

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

DATE : 26.09.2019

PER COURT :

1] A batch of Original Applications were dismissed by the Maharashtra Administrative Tribunal vide common order dated 18th March, 2016.

2] As regards the petitioner, the relevant facts are that shortage of Lecturers and Assistant Professors in Government Medical/Dental/Ayurvedic colleges was noted and a decision was taken to give appointments on *ad hoc* basis by constituting Selection Committees at the local level. At the said divisional selection, the petitioner came to be recommended for being appointed as a Lecturer for 120 days on 24th June, 2008. At that time, recommendations of the 5th Pay Commission were in vogue and thus, the petitioner was placed in the pay scale of Rs.8000-275-13500, being the pay scale of a Lecturer.

3] Recommendations of the 6th Pay Commission being accepted and implemented on 10th November, 2009 but retrospectively from 1st January, 2006. The petitioner claimed that benefit of the said decision,

which was retrospective in nature, be accorded to him and thus, he should be paid salary as per the scale pursuant to the recommendations of the 6th pay scale. By that time, the petitioner had already resigned as a Lecturer on 23rd June, 2009. Thus, the claim was for difference of salary for a period of one year.

4] The Maharashtra Administrative Tribunal has denied the relief on the reasoning that consistent view taken by the Tribunal was that benefit of recommendations of Pay Commission as accepted by the Government can be extended only to permanently appointed employees against regular sanctioned posts and not to *ad hoc* employees appointed as was the petitioner.

5] We agree with the view taken by the Maharashtra Administrative Tribunal and thus dismiss the petition.

6] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE