



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3389 of 2024

The State of Maharashtra through its Secretary,
Public Health Department, Mumbai and another. .. **Petitioners**
versus.
Dr. Sandeep s/o Ramdasji Pipare.. .. **Respondent.**

Mr. N. S. Rao, Assistant Government Pleader for petitioner-State.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 5th DECEMBER, 2024

P. C.

Heard learned Assistant Government Pleader for the petitioner.

2. The present writ petition questions the order dated 02.01.2020 passed in Original Application (OA) No.626 of 2016 (*Dr. Sandeep vs. State*), so also the order dated 12.03.2020 passed in Review Application No.2 of 2020 in OA No.626/2016(D) decided on 12.03.2020. Vide impugned orders, the benefit of increments is extended in favour of the respondent-employee who was working as *Ad hoc* Dental Surgeon.

3. As regards admissibility of the increments, Mr. Rao, learned Assistant Government Pleader has invited our attention to the Division Bench judgment of this Court dated 07.04.2017 delivered in Writ Petition No.4969 of 2011 (*State of Maharashtra and others vs. Dr. Jyotsna Shamrao Potpate and anr.*). Based on the observations made by the Division Bench in the aforesaid judgment, it is urged that for the similarly placed employees, this Court has taken a view that *ad hoc* employees are not entitled for the benefit of increments.

4. Mr. Rao would further urge that the Division Bench of this Court has taken such view based on the Full Bench judgment of the Maharashtra Administrative Tribunal delivered on 03.03.2010 in O.A.No.240 of 2009. As such, it is claimed that the impugned orders are not sustainable in law as the same are contrary to the Full Bench judgment of the Maharashtra Administrative Tribunal.

5. We have considered the aforesaid contentions.

6. It could be gathered from the record that, when confronted, the learned Assistant Government Pleader has submitted that vide Government Resolution dated 16.09.2019, the services of the respondent were confirmed on the said post, which fact is borne out of the record.

7. Apart from above, in an identical situation, the Maharashtra Administrative Tribunal has extended the benefit of conferring the increments which was the subject matter of challenge before the Aurangabad Bench of the Bombay High Court in Writ Petition No.720 of 2006 (*State of Maharashtra and ors. vs. Siddheshwar Ramrao Mundhe*) with other connected writ petitions. We are informed that the said writ petitions were dismissed by the Division Bench on 27.11.2008 and the said order was affirmed by the Apex Court in Special Leave Petition on 02.02.2011.

8. Moreover, there is an unreasonable delay in preferring the instant writ petition as the orders impugned are questioned before this Court after a lapse of four years for which there is no convincing explanation.

9. That being so, the petition lacks merit and it is dismissed as such. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.