

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

WRIT PETITION NO. 1817 OF 2015

Maidabee Ismail Sayyed

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Avinash R. Borulkar, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri N. S. Kadam, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 03RD AUGUST, 2015.

PER COURT :

. Mr. Borulkar, the learned counsel for the petitioner states that, the petitioner was working with Anudanit Ashram school since the year 1998 and in the year 2009, the said school was closed and thereafter transferred to the respondent No. 4. The learned counsel submits that, the petitioner was orally terminated, against which appeal was filed before the School Tribunal. The School Tribunal allowed the appeal, directed reinstatement with continuity and backwages. The learned counsel submits that, the other persons working as cook are getting salary of Rs. 16,350/- and Rs. 14,050/-, however, the petitioner is paid only Rs. 9,973/-. According to the learned

counsel, the petitioner is required to be given benefit of 6th Pay Commission.

2. The learned counsel for the respondent No. 4 submits that, time and again request was made to the petitioner to provide the service book, however, the petitioner did not co-operate and failed to do so.

3. We have heard the learned Additional Government Pleader also.

4. There is judgment of the School Tribunal thereby holding that the petitioner is in service since 1998 as cook and was continuous in service till the closure of school in the year 2009 and it was case of otherwise termination. Subsequently, school is transferred to the respondent No. 4. The School Tribunal has directed reinstatement with continuity and backwages. Naturally, service of the petitioner shall have to be counted from the year 1998 and pay scale shall be fixed accordingly.

5. Considering the above, we pass the following order.

6. The respondent Nos. 2 to 4 shall consider the pay scale as applicable to the cook working in Anudanit Ashram school and shall give benefit of the said pay scale to the petitioner with

effect from 2009 onwards. The said exercise be done expeditiously and preferably within a period of four (4) months from today. The petitioner shall also co-operate for the same. The writ petition is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15