

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

WRIT PETITION NO. 6197 OF 2014

Hindurao Krushna Kurne

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri G. J. Karne, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 and 2.

Shri R. K. Ingole Patil, Advocate for Respondent Nos. 3 to 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 11TH FEBRUARY, 2015.

PER COURT :

. Mr. Karne, the learned counsel for the petitioner submits that, the petitioner is entitled for the pay scale of Rs. 5500 - 9000 as per the Government Resolution dated 18.09.2007. According to the learned counsel the respondent/Zilla Parishad has failed to pay said pay scale to the petitioner. As such, enquiry deserves to be initiated against respondent Nos. 3 to 5. The respondent Nos. 3 to 5 needs to be directed to fix the pay of the petitioner as per Vth Pay Commission in the pay scale of Rs. 5500 - 9000. The learned counsel submits that, even one increment was illegally recovered. The respondents be directed to release the same.

2. The learned counsel for the respondent/Zilla Parishad submits that, the petitioner retired on 30.04.1997. The Government Resolution dated 18.09.2007 came into effect from 01.06.2007. At the time when the petitioner retired, the Government Resolution dated 09.09.1999 was in force and pay scale has been fixed as per the said Government Resolution dated 09.09.1999.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The Government Resolution dated 09th September, 1999 prescribed pay scale of Extension officer Grade II as Rs. 5000 - 8000. Subsequently the same is amended vide Government Resolution dated 18.09.2007 and prescribed pay scale of Rs. 5500 - 9000. However, the said Government Resolution itself makes it abundantly clear that the said pay scale would come into effect from 01.06.2007 and will not apply to any person prior to the said date.

5. In the light of the above, case of the petitioner for grant of pay scale of Rs. 5500 - 9000 cannot be considered.

6. As far as recovery of one increment is concerned, the said order is dated 25.05.1992. The petitioner retired in the year 1997

and the petition is filed on 17.07.2014. Considering all the aforesaid aspects of the matter, relief claimed by the petitioner cannot be considered. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 15