

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7822 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.M.V.Ghatge, advocate for the petitioners.
 Mr.G.K.Naik Thigle, Addl. Govt. Pleader for the State.
 Mr.R.K.Ingole, advocate for Respondent No.2.

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

Date : 02.02.2015.

PER COURT :

1. Heard.
2. Mr.Ghatge, learned counsel submits that petitioners were granted revised pay-scale and the same was implemented vide order dated 22.3.2012. The petitioners were also given benefit of time bound promotion, however, vide the impugned order dated 24.7.2014, the said benefits were cancelled. According to the learned counsel, as far as time bound promotional pay-scale is concerned, explanation to Section 51 of the Maharashtra Municipal Corporations Act, would not apply. Even otherwise, explanation to Section 51 is introduced in the year 2011 and decision to award revised pay-scale to the petitioners was taken in the year 2003. Though the same is implemented in the year 2012, as the decision

is already taken in the year 2003, explanation to Section 51 of the Maharashtra Municipal Corporations Act, which is introduced in the year 2011 will not apply.

3. Mr.Ingole, learned counsel for the Respondent Corporation submits that in view of Explanation to Section 51 of the Maharashtra Municipal Corporations Act, order is passed and the proposal is submitted to the Government on 24.7.2014 recommending the revision in pay and time bound promotional pay to the petitioners.

4. Mr.Ghatge, learned counsel submits that employees similarly situated are getting higher pay and the principle of 'equal pay for equal work' would apply. The Respondents can not make discrimination in this regard.

5. As the proposal is now pending with the Government since July 2014 (Exh.R-1), we are not entering into the merits of the contentions. The Respondent-State shall take decision on the said proposal (Exh.R-1) on its own merits considering relevant provisions and all other relevant aspects expeditiously, preferably within six (6) months from the date of this order.

6. In case the Respondent-State does not consider the proposal favourably to the petitioners, the petitioners will have liberty to assail the same.

7. Interim orders passed by this Court shall continue till the

proposal (Exh.R-1) is decided by the State.

8. All contentions of respective parties kept open.

9. The Writ Petition is accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..02.02.2015.
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