

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11816 OF 2015
IN
WRIT PETITION NO.6114 OF 2006

DEVIDAS PANDIT BHADANE

APPLICANT

VERSUS

KHEDE VIDHYA PRASARAK MANDAL,
THROUGH ITS CHAIRMAN AND OTHERS

RESPONDENTS

Mrs.A.N.Ansari, Advocate for the applicant.
Mr.H.V.Tungar, Advocate for respondent Nos. 1 and 2.
Mr.D.R.Korde, AGP for respondent No.3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/12/2015

PER COURT :

1. On 16/10/2015, this Court had passed the following order :-

“1. The order passed by the Deputy Director of Education - page 30 of the Civil Application - indicates that the pay scale of the applicant is Rs.9300-34800 plus Rs.4600 Grade Pay.

2. The affidavit in reply of the Principal of the College / respondent indicates in paragraph Nos. 3 to 5 that the Grade Pay of the applicant is in fact Rs.4600/-. Per contra, the applicant is being paid Rs.4400/- which is at the behest of the Accounts Officer of the Education Department, Dhule.

3. Respondent No.3 - Deputy Director of Education is yet to file an affidavit. Learned AGP prays for a short accommodation.

4. S.O. to 29.10.2015 so as to enable respondent No.3 to file a

short affidavit and clarify on the situation recorded as above. In the event, no affidavit is filed, it shall be presumed that the order of respondent No.3 at page No.30 of the Civil Application governs the situation.

5. S.O. to 29.10.2015.”

2. An affidavit in reply by respondent No.3 Assistant Director of Education dated 26/11/2015 has been filed in this Court. Mrs.Ansari learned Advocate specifically points out paragraph No.4 of the affidavit, by which the concerned authority specifically states that the petitioner is entitled for the grade pay of Rs.4600/-. She further submits that the difference of grade pay @ 200/- per month is payable from 18/01/2007 considering the contents of paragraph No.4 of the respondent No.3 / affidavit.

3. Learned Advocate for respondent Nos. 1 and 2 submits that the Institution does not intend to travel beyond the opinion expressed by respondent No.3 / Deputy Director of Education. Necessary steps would be taken to ensure that the difference is paid.

4. In the light of the above, this civil application is allowed in terms of prayer clause “B”. Respondent Nos. 1 and 2 shall send the necessary proposal, complete in all respects, to respondent No.3 for

compliance of this order on or before 21/12/2015. Respondent No.3 shall proceed to sanction the said proposal within 4 (four) weeks thereafter and shall ensure that necessary orders are passed on or before 30/01/2016. It is made clear that if the Education Officer points out deficiencies in the said proposal, respondent Nos. 1 and 2 will then be responsible to pay the entire difference to the applicant from their own pocket pending the grant of sanction to the proposal.

(RAVINDRA V. GHUGE, J.)