

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11571 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.S.D.Joshi, advocate for Petitioner.
Mr.K.J.Ghute Patil, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 21.07.2015.

PER COURT :

1. Heard.
2. Rule. Rule made returnable forthwith and heard finally.
3. Mr.Joshi, learned counsel submits that the petitioner is appointed as a librarian in the pay-scale of Rs.1400-2600. The same was also approved by the Education Officer vide order dated 15.10.1997, however, the said benefit is not being accorded subsequently. The impugned order is a non-speaking order. It does not lay down any reason. The petitioner is entitled to get the pay-scale as is applicable to the trained Graduate teacher. The learned relies on the order passed by the Division Bench of this Court dt.1.3.2012 in W.P.No.9287/2011.
4. We have heard learned Asstt. Govt. Pleader also.

5. The facts in the present case are identical to those in Writ Petition No.1081 of 2011 and companion matters which were allowed by this Court on 12.10.2011 considering earlier judgment in WP No.177 of 2011 and companion matters delivered by the coordinate bench of this Court at principal seat at Bombay on 28.4.2011.

6. In that view of the matter, we find that the impugned communication dated 28.11.2014 issued by Respondent No.3 is not sustainable in law. The action of the respondents in withdrawing the said benefit which was already granted to the petitioner, is totally unsustainable and, therefore, the same is liable to be quashed and set aside. The petitioner is entitled to the revised pay scale along with consequential benefits as prayed.

7. Rule is, therefore, made absolute in terms of prayer clauses B and C. It is further made clear that in the event, if any amount is paid to the petitioner on the basis of the impugned order, or if any recovery is made from the salary, the same shall be refunded to the petitioner, in any event, within three months from today.

8. Petition stands disposed of accordingly. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.21.07.2015.
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