

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION No. 9447 OF 2013
WITH
CIVIL APPLICATION No. 1263 OF 2014
IN
WRIT PETITION No. 9447 OF 2013**

Chittaranjan Anantrao Joshi

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr.V.S.Deokar a/w. Ms. Ujawala V. Karpe and Ms.Meenal Deshmukh for petitioner.

Ms.S.S. Bhende, AGP for respondent nos.1 to 3.

Mr.Sanjay D. Thokade a/w. Ms.Kranti Hiwrale for respondent no.4.

**CORAM : ANOOP V. MOHTA,
K.R. SHRIRAM, JJ.**

DATED : 22ND APRIL, 2015

P.C.

1. In spite of several orders passed by this court, respondent no.1 failed to file any affidavit in reply.

2. By an order dated 28th March 2014, based upon a Division Bench judgment dated 30th September 2011 in the matter of ***Satish Kundanlal Agarwal Vs. State of Maharashtra & Ors. in writ petition no. 2093 of 2011 along with other connected matters*** and as the statement is made that it is quite similar matter except that the department in this petition is Social

Welfare and Social Justice, wherein we directed the respondents to constitute the Performance Review Committee to set out the parameters for performance assessment and consider the case of the petitioner who retired on 30.11.2013 within a period of five weeks from the date of order. We had also directed to submit a report to be filed by respondent nos.2 and 3 within five weeks. The matter was directed to be listed on 7.5.2014 HOB for disposal.

3. The counsel counsel respondent no.4-University makes a statement that the positive performance report of the petitioner was forwarded to respondent no.2 on 5th May 2014. The statement is also made that as per information, it is further forwarded by respondent no.2-Commissioner to respondent no.1 on 9th May 2014.

4. Apart from the judgments so referred above, the statement is also made referring to the Government Resolution dated 29th March 2001 with regard to the revision of pay-scale of teachers in Social Work Colleges on the basis of the recommendation of University Grants Commission (UGC), specifically, referring to manner of fixation of pay in the following words :

“4 Manner of fixation of pay :

..... The orders issued by the Higher and Technical

Department on this behalf from time to time will be made mutatis mutandis applicable to teachers working in Colleges of Social Work. (Appendix-I) is attached herewith for detailed information.

5. Respondent no.1-State, for the reasons best known to it, has not taken any decision so far and not filed any report and/or affidavit in this court. This itself means that the averment so made by the petitioner remained intact, apart from the positive performance report and the Government Resolution so referred above, we are inclined to direct respondent no.1-State to take positive decision within six weeks from today and communicate the order to the concerned accordingly. However, liberty is granted to the State Government to apply for appropriate orders in case they have some contra materials with them.

6. The petition is disposed of with liberty. No costs.

7. As the petition itself is disposed of, civil application, if any does not survive and disposed of accordingly.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)