

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1250/2015

Shri Ramesh Bansi Pawar and others

...Versus...

State of Maharashtra, through its Secretary, Social Welfare Department,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Kshirsagar, Advocate for petitioners
Shri D.M. Kale, AGP for respondent nos.1 to 4

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 25.08.2015

By this petition, the petitioners seek a direction to the respondents to grant higher pay scale to the petitioners on completion of 12 years of qualifying service from the date of their initial appointment and grant the consequential benefits in view of the Government Resolution dated 30.4.1998 and the order of this Court dated 21.9.2013 in Writ Petition No.2358/2013 and others.

The petitioners are the non-teaching employees of various Government aided Ashram Schools controlled by the Social Welfare Department of the State. According to the petitioners, they have completed more than 12 years of service and have made a request to the respondents to grant them time-bound promotion in terms of the Government Resolution

and the order in Writ Petition No.2358/2013 dated 21.9.2013 but the respondents have not extended the benefits of the Government Resolution to the petitioners.

It is stated on behalf of the petitioners that the issue involved in this case stands answered in favour of the petitioners by the order dated 21.9.2013 in a bunch of writ petitions bearing Writ Petition No.2358/2013 and others. It is stated that this Court had by the said order directed the respondents to grant the benefit of time-bound promotion to the non-teaching employees of Group – C and Group – D working in various Ashram Schools. It is stated that by the said order the benefit of the Government Resolution dated 30.4.1998, as modified from time to time is made available to the non-teaching employees of the Ashram Schools that have rendered more than 12 years of continuous service, from the date of their initial appointment.

Shri Kale, the learned Assistant Government Pleader appearing on behalf of the respondents does not dispute the position of law as stated in the order dated 21.9.2013 in Writ Petition No.2358/2013 and others. It is fairly admitted by the learned Assistant Government Pleader that the said order has been followed by this Court while deciding Writ Petition No.816/2014 and similar relief has been granted to the petitioners therein.

Hence, for the reasons recorded in the order dated 21.9.2013 in Writ Petition No.2358/2013 and others, we partly allow this writ petition. We direct the State Government to examine the case of each of the petitioners and consider whether they satisfy the criteria as laid down in the Government

Resolution dated 30.4.1998 for extending the benefits of the Assured Career Progress Scheme to them. If the State is of the view that the petitioners are entitled to the benefit of the Scheme, the respondents are directed to extend the benefit to the eligible petitioners after scrutinizing their cases for considering their eligibility within a period of six months.

The writ petition is disposed of in the aforesaid directions with no order as to costs.

JUDGE

JUDGE

Wadkar