

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

WRIT PETITION NO.2819/2014

Syed Yunus Syed Yusuf

..Versus..

State of Maharashtra, through Secretary and others

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

Court's or Judge's orders

Ms. M.N. Hiwase, A.G.P. for respondents 1 and 3.

CORAM : B.P. DHARMADHIKARI & Z.A. HAQ, JJ.

DATE : 7.9.2015

Shri N.S. Bhelkar submits that proposal to sanction graduate pay-scale dated 4/2/2002 forwarded by his employer - Municipal Council is still not looked into by Deputy Director of Education. Advocate Shri U.R. Choudhari appearing for respondent no.2 - Municipal Council invites attention to reply affidavit filed before this Court. According to him, Municipal Council has never forwarded said proposal and the communication is fabricated letter. He states that after that a complaint was made to Deputy Director of Education, on 28th September, 2010 and respondent no.3 has already initiated an enquiry in this respect.

After hearing learned A.G.P. on behalf of respondents 1 and 3

and respective counsel for parties it is seen that no decision either way has been taken on the demand of petitioner for graduate pay-scale. Whether post was available for conferring that pay-scale, whether petitioner was occupying that post and whether such proposal was then forwarded by his employer are the cardinal issues which need to be looked into. Petitioner claims that he is working on that post since 2002. Interest of justice therefore, can be met with by directing the petitioner as also representative of respondent no.2 to appear before respondent no.3 on 30th September, 2015 and to abide by his further instructions in the matter. Respondent no.3 shall consider rival submissions in this respect and take a suitable decision as early as possible and in any case on 31st December, 2015. Keeping all rival contentions open and with these observations writ petition is disposed of. No costs.

Certified copy is expedited.

JUDGE

JUDGE