

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

W.P.No. 4219 of 2014

Vinayak Gulabrao Deshmukh vs. Divisional Commissioner, Amravati
Division, Amravati and another.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. N.R.Saboo, Adv. for the petitioner.

Mrs. Kalyani Deshpande, AGP for R-1

Mr. J.B.Kasat, Adv. for R-2.

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR,JJ

DATE : 23.2.2015

The petitioner was initially appointed as Muster Clerk. Subsequently, he came to be absorbed in the cadre of Civil Engineer Assistant after retirement. The petitioner was granted exemption vide order dated 5.1.2009 from clearing professional examination for the post of Civil Engineer Assistant on the ground of completing of 45 years of age with effect from 25.10.1999. The petitioner has approached this Court contending therein that in view of the Circular 22nd June, 2007, the petitioner would be entitled to the pay scale of Junior

Engineer on completion of 12 years service in the cadre of Civil Engineer Assistant, Mistri Grade I, Road Clerk, Muster Clerk, Time Keeper and Tracer.

The Division Bench of this Court, to which one of us was party, vide Judgment dated 30.1.2014 in W.P.No. 5182 of 2012, has held that such candidates like the petitioner are entitled to the pay scale of Jr. Engineer upon completion of 12 years service on the posts specified hereinabove.

In that view of the matter, the petition is allowed. It is held that the petitioner would be entitled to the Pay Scale of Jr. Engineer upon completion of 12 years' service on the post of Muster Clerk. Needless to state here that the revision of pension payable to the petitioner shall be made within a period of three months from today. The arrears payable to the petitioner on account of difference of salary and difference of pay scale with what has been held hereinabvoe shall be paid to the petitioner within a period of six months from today. In the facts and circumstances of the case, no order as to costs.

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