

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

WRIT PETITION NO.6146 OF 2014

Dr.Mohd. Umar Farooq Mohd. Ibrahim Sk. .vs.. State of Mah. and anr.

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

Court's or Judge's orders

Mr.S.A.Mohta, Adv. for the petitioner.
Mr.N.S.Rao, AGP for respondent no.1.
Mr.A.M.Ghare, Adv. for respondent no.2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : SEPTEMBER 14, 2015.

1. Heard Advocate S.A.Mohta for petitioner, Mr.Rao, learned AGP for respondent no.1 and Advocate A.M.Ghare for respondent no.2.

2. Petitioner, who has joined employment with respondent no. 2 as Medical officer on 15th of May, 1993, seeks the Wage Revision under 5th Wage Revision from 1st of January, 1996 as has been made applicable to all Municipal Corporation employees. It is pointed out that in the case of colleagues of petitioner namely, Dr.Ujwal Karale and Dr.Vimal Patil by separate orders passed on 8th of June, 2007 and 22nd of January, 2010, respectively, the Wage Revision has been granted.

3. Learned AGP appearing for respondent no.1 submits that it is the duty of respondent no.2 – Municipal Corporation.

4. Advocate Ghare relies upon reply-affidavit placed on record.

5. After hearing Advocate Ghare, we find that respondent no.2 is not in a position to explain why individual orders were required to be

passed on 22nd of January, 2010 or 8th of June, 2007. If benefit of 5th Wage Revision has made applicable to all municipal employees from 1st of January, 1996, automatically same should have been given to the petitioner. Here, we find that Standing Committee of Municipal Corporation has on 6th of July, 2012 resolved to extend said benefit to petitioner.

6. We, therefore, find that denial of said benefit to petitioner is unsustainable.

7. We direct respondent no.2 to extend the benefit of Wage Revision to petitioner from 1st of January, 1996 within period of four months from today.

8. The current wages of petitioner for the month of November, 2015 (1st of November, 2015) shall be worked out accordingly and petitioner shall be given salary for that month in revised scale.

9. Insofar as arrears are concerned, the arrears shall be worked out within period stipulated above and shall be made over to petitioner in suitable installment within next one year. If arrears payable to others have been appropriated towards Provident Fund, such arrangement shall also be made applicable to present petitioner.

10. With these directions and keeping all rival contentions open, we partly allow the petition and dispose of the same.

No costs.

JUDGE

JUDGE

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