

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.865 OF 2010**Sanjay S/o Sahebrao Patil Vs. Kisan Vidya Prasarak Sanstha
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.L.V.Sangit, advocate for the petitioner.
 Mrs.M.A.Deshpande, Addl. Government Pleader for the State.
 Mr.Subodh P.Shah, advocate for Respondent Nos.1 to 3.
 Mr.P.L.Shahane, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 09.12.2016.

PER COURT :

1. Heard.
2. It is submitted by the learned counsel for the petitioner that the petitioner was appointed as a Rector by Respondent Nos.1 to 3 vide appointment order dated 13.7.1997. The petitioner was being paid paltry sum as a salary. The petitioner was never paid salary as per the pay-scale. The petitioner demanded payment as per 5th Pay Commission. After filing the present petition, the petitioner was terminated. The petitioner be paid salary as paid to non-teaching staff. No pay-scale is prescribed for the post of Rector. The pay-

scale is prescribed for the members of the teaching and non-teaching staff of the School. The appointment of the petitioner was not on the School but as a Rector on the Hostel. The establishment is different though run by the same society. The petitioner was paid commensurate to his work.

3. We had asked the learned counsel for respective parties as to whether under the statute or the Rules or any Resolution of the Government, pay-scale is prescribed for the post of Rector in Hostel which is attached to a private School. The learned counsel for both the parties accept that no such pay-scale is prescribed for the post of Rector either under the statute, Rules or any Government Resolution.

4. In absence of any pay-scale being prescribed, it would not be possible for this Court to direct payment of salary to the petitioner as per particular pay-scale. Mr.Sangit, learned counsel for the petitioner had relied upon the Circular dated 25.7.1999. The said Circular also does not lay down the pay-scale, however, it empowers the Controlling Officer/D.D.O. to fix the pay in revised pay-scale as per 5th Pay Commission of non-teaching employees in respective cadres. In absence of any pay-scale being prescribed, this Court would not be in a position to pass orders issuing specific directions in this regard.

5. The petitioner may apply to the concerned Officer. If such

representation/application is made by the petitioner, the competent Officer shall take decision upon the same on its own merits in accordance with law, Rules after hearing the petitioner and the Respondents expeditiously, preferably within six (6) months from the date of receipt of application.

6. Rule accordingly disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.09.12.2016.
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