

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 4956 OF 2015****SANTUKRAO AASARAM KADAM****VERSUS****STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioner : Mr. Deshpande
Abhishek C.****AGP for Respondent/State : Mr. B.V. Virdhe**

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.**Dated: April 04, 2016**

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PER COURT :-**Heard.**

2. Upon perusal of the copy of the Admissibility Report issued by the Senior Accounts Office, office of Indian Audit and Accounts Department, Office of the Accountant General (Accounts & Entitlements) Pension Wing, Old Building, Post Box No.114, Civil Line, Nagpur, it appears that the proposal of the petitioner for pensionary benefits was returned back with following remark :-

"1. POST OF JR. LAB ASSTT. IS NOT
NOTED IN THE LIST ENCLOSED WITH G.R.

DT. 7/4/2011. HOW YOU HAVE GIVEN PAY
BAND 9300-34800+4300/- G.P. W.E.F.
1/10/2009. PENSIONARY BENEFIT
CALCULATED ON LAST PAY RS. 9530+2400
G.P."

3. In pursuance to the notices issued to the Respondents, Respondent Nos. 1 to 3 have filed their affidavit in reply. In para 12 of the affidavit in reply, it is stated that factual aspect of the present petitioner is concerned, the post of Junior Laboratory Assistant is considered as Laboratory Assistant as per Government Resolution dated 17-9-2009 and their pay is fixed as Rs.4000-6000 and there were total sanctioned 26 posts. In view of that Government Resolution itself, the Senior Laboratory Assistant's pay scale is given as Rs. 4500-7000 and there were 8 posts sanctioned. In para 13, it is further stated that, as per Government Resolution dated 7-4-2011, the post of Senior Laboratory Assistant i.e. 8 posts and posts of Laboratory Assistant i.e. 26 posts are converted into Laboratory Technician and pay scale is provided to them is of Rs. 9300-34800(4300), therefore, post of Senior Laboratory Assistant and Junior Laboratory

Assistant are clubbed together and total 34 posts are considered as Laboratory Technician and they have granted pay scale accordingly. Therefore, in view of this Government Resolution, there is no post as Junior Laboratory Assistant because the post of Junior Laboratory Assistant is already changed to Laboratory Assistant, as per earlier Government Resolution dated 17-9-2009.

4. Upon perusal of the reply filed by Respondent Nos. 1 to 3, it is abundantly clear that, there is no post in existence as a Junior Laboratory Assistant and said post has been changed to Laboratory Assistant, as per Government Resolution dated 17th September, 2009. In the light of averments made in affidavit in reply filed by Respondent Nos. 1 to 3, we direct Respondent No.3 to resubmit the proposal for pensionary benefits of the petitioner to the office of Respondent No.4, as expeditiously as possible, and preferably within four weeks from today.

5. In the light of clarification made by Respondent Nos. 1 to 3, as mentioned above

and in the affidavit in reply, Respondent no.4 shall take the decision on the said proposal, as expeditiously as possible, and preferably within eight weeks from receiving such proposal from Respondent No.3 and communicate the said decision to Respondent Nos. 3 and 5. Entire exercise to be done by Respondent Nos. 3 and 4, as expeditiously as possible, and preferably within 12 weeks from today.

6. The Petition is allowed to the above extent and same stands disposed of.

7. The parties to act upon an authenticated copy of this order.

8. The learned A.G.P. assures this Court that, the office of the Government Pleader will communicate today's order to Respondent No.3 by fastest mode of communication.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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