

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9168/2015

Sahebrao Khandu Marathe.

...Petitioner..

Versus

The State of Maharashtra & Another.

...Respondents..

.....

Shri Amol S. Sawant, Advocate for the Petitioner.

Smt.P.V.Diggikar, AGP for Respondent No.1.

Shri N.N.Desale, Advocate for Respondent No.2.

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CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.

DATE: 08.12.2016

ORDER :

1] Mr.Sawant, learned counsel for the petitioner states that at the relevant time, the petitioner was working as Mistry Grade I. As per the Government resolution dated 8.6.1995, the time bound promotion scheme is implemented by the respondents. The said scheme is applicable to the employees of the Zilla Parishad. On completion of 12 years in service, the employee is entitled for higher pay-scale. According to the learned counsel, as per the Government resolution dated 20.5.1999, it was resolved

that all employees working on the posts such as Mistry Grade I, Mistry Grade II, Tracer etc. shall be placed in one cadre viz. Assistant Civil Engineering and the date of initial appointment is to be considered for the purpose of seniority. The learned counsel submits that under order dated 14.1.2008 of the Chief Executive Officer, Zilla Parishad, Dhule, the petitioner was accorded the benefit of the time bound promotional pay-scale, however, the actual payment was not made to the petitioner. In the same order, there were other persons who were also held entitled to the said time bound promotional pay-scale to them, the benefit was extended. Subsequently, the respondent took a policy decision to recover the amount paid to them. These employees assailed the said order before this Court and this Court in Writ Petition No.4096/2011 and many other writ petitions, passed an order holding that those petitioners are entitled for the benefit of the Government resolution dated 8.6.1995 and are entitled to the higher pay-scale after completion of 12 years continuous service on issuance of order of regularization. Subsequently, the amount that was recovered was repaid to those persons.

2] We have also heard the learned AGP.

3] In the order dated 14.1.2008, the petitioner was held entitled for the pay-scale of Junior Engineer. There were about 37 persons who were held entitled to the said pay-scale as that of the petitioner under the said order. Others were given the benefit of the said order. Subsequently, it was sought to be recovered. Those persons assailed the said action before this Court. This Court allowed their writ petitions holding that they are entitled for the benefit of the said Government resolution of the year 1995 upon completion of 12 years of their service. It is a matter of fact that the petitioner was held entitled for the said benefit, however, the same is not extended.

4] The respondents shall extend the benefit of the order dated 14.1.2008 (Exhibit D) to the petitioner expeditiously and preferably within six months. Writ petition is accordingly disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)

