

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

MISC. CIVIL APPLICATION NO.530 OF 2016 (FOR REVIEW)
IN
WRIT PETITION NO.2685 OF 2014 (D)
Zilla Parishad, Chandrapur, through its Chief Executive Officer
..vs..
Vithoba S/o Madhao Gedekar and anr

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

Court's or Judge's Order

Shri N.W. Almelkar, counsel for the Applicant.
Shri P.D. Meghe, counsel for NA No.1.

CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
DATED : OCTOBER 4, 2016.

Heard learned counsel Shri N.W. Almelkar
for the applicant/petitioner and learned counsel Shri
P.D. Meghe for non-applicant No.1/respondent.

The order disposing of Writ Petition
No.2685 of 2014, passed on 20.2.2015, is sought to be
reviewed on the ground that the Zilla Parishad then
could not place on record Government Resolutions
dated 1.7.2011 and 28.7.2014.

This Court has passed various orders to
enable the Zilla Parishad to demonstrate valid reasons
for not placing the resolutions on record. In last
affidavit, filed by Executive Engineer Anil Shete, it has
been stated copy of Government Resolution dated

1.7.2011 was supplied to counsel for the Zilla Parishad along with para-wise reply. It is admitted that Government Resolution dated 28.7.2014 was not supplied as its hard copy was not available and inadvertently the concerned clerk did not download it.

It is in this backdrop that we have heard respective learned counsel for the parties.

Perusal of orders passed by us on 20.2.2015 in Writ Petition No.2685 of 2014 shows that communication dated 1.11.2013 was impugned before this Court and that communication carried reference to Government Resolution dated 1.7.2011. It is in this backdrop that we have found that despite this specific mention, Government Resolution dated 1.7.2011 was not made available to this Court. The Government Resolution is found to be in furtherance of policy decision dated 12.2.2008. We have found that by policy decision dated 12.2.2008, the revised scale of Rs.1640-2900 has been made applicable from 1.10.1994. The petitioner was given pay-scale of Rs.950-1400 from the same day.

We have found that because he was given first stagnation benefit from 1994, after expiry of period of 12 years therefrom, he could have been given second benefit. This direction is also in terms of policy

contained in order dated 12.2.2008. The petitioner was in employment on 12.2.2008. He superannuated on 31.1.2010. We have found that the Government Resolution was not in force when he superannuated or when he was found entitled to the benefits of policy decision dated 12.2.2008.

Copy of the office version made available along with last affidavit also accepts that after completion of 24 years of service, the petitioner was entitled to second benefit from 1.10.2006.

In view of this specific observation, we find that later Government Resolution or reliance upon it in present matter is misconceived.

The miscellaneous civil application for review is rejected. There shall be no order as to costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

**Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)**

Uploaded on :- 6/10/2016

...../-