

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

WRIT PETITION NO. 2362 OF 2015

(Nitin Mahadeorao Pihulkar vs. The State of Maharashtra thr. Secretary, Ministry of Education
& Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
APRIL 01, 2016.**

Heard Shri S.G. Karmarkar, learned counsel for the petitioner and Shri D.M. Kale, learned AGP for respondent Nos. 1 to 3, for some time.

The learned AGP is seeking time to seek further instructions.

However, we find that the petitioner has made his grievance clear in representation dated 24.12.2012. He has pointed that he is qualified as Shikshan Sewak and was appointed accordingly. After putting in three years of service, the requisite pay-scale was not extended to him. The revised pay-scale was also not made applicable to him. With the result, he continued to receive salary in incorrect pay-scale. His grievance was not considered and later on he points out that as pay-scale was incorrect, the computer system was not accepting entry and his pay was also not released. Hence, he was not getting salary and, therefore, he was constrained to accept absorption as Senior Clerk. All these facts do not find any consideration in reply presented to this court on 25.08.2015.

Respondent No. 3 – Deputy Director of Education has pointed out that after completing three years of service as Shikshan Sewak, the petitioner was given pay-scale of Rs.4500-7000 and in the next paragraph it is mentioned that one S.S. Waghmare, who was appointed along with the petitioner on the same post, was also given that pay-scale after completion of three years. It is then mentioned that the petitioner was absorbed as Senior Clerk and then he was entitled to fixed remuneration of Rs.4,000/-. After completion of three years of service as Shikshan Sewak, he was confirmed in the pay-scale of Rs.5500-9000.

Apparently full facts are not disclosed in paragraphs 3 & 4 and there is some inconsistency.

This Court has issued notice on 06.05.2015 and after about one year, this is the position.

In this situation, we find that interest of justice can be met with by directing Respondent No. 3 to provide an opportunity of hearing to the petitioner on his representation at Annexure – V with the petition.

We direct the petitioner to appear before Respondent No. 3 for said purpose on 23.05.2016 and to abide by further instructions of that authority. Respondent No. 3 shall attempt to complete hearing and pass appropriate orders, in any case within next two months.

Leaving all rival contentions open and with these directions, writ petition is disposed of. No order as to costs.

JUDGE

JUDGE