

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

WRIT PETITION NO.3523 OF 2015

Dr. Premsingh S/o Shivpalsingh Sayar and ors

..vs..

**The State of Maharashtra, thr Principal Secretary Higher and Technical Education,
Mantralaya, Mumbai and ors**

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

Court's or Judge's Order

Shri F.T. Mirza, counsel for the petitioners.
Mrs.Ketki Joshi, AGP for R-1 to 3.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 15, 2016.

Heard learned counsel Shri F.T. Mirza for the petitioners and learned Assistant Government Pleader Mrs. Ketji Joshi for respondent Nos.1 to 3. Nobody appears for respondent No.4.

The short grievance is, the services rendered by the petitioners from 1994-95 onwards till the college, in which they were working, started receiving grants in 2004, ought to have looked into and their fixation as per the impugned order should have been arrived at accordingly. The impugned order, which fixes them at the beginning on the pay-scale of Rs.82,000-275-13500, therefore, is erroneous.

Learned counsel Shri F.T. Mirza for the petitioners has attempted to show that initially their

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services were approved on full time basis for one year i.e. from 31.12.1994 till 30.4.1995 and, thereafter, from Academic Session 1995-96 onwards. He contends, thus there is no material to show that petitioners were working on contract basis. He also invites our attention to the reply-affidavit filed by respondent No.4 to substantiate his contention.

Learned Assistant Government Pleader Mrs. Ketki Joshi for respondent Nos.1 to 3 is relying upon the reply-affidavit. She submits that respondent No.1 and 2, after due verification of records, have found that the petitioners were working on contract basis. As such, services rendered by them, in that capacity, have not been rightly considered.

Though respondent Nos.1 and 2 on affidavit state that the petitioners were working on contract basis, there is no document placed on record by them to support this statement. The documents produced by the petitioners show that the petitioners were initially granted approval for one year as full time employees and, thereafter, permanent approval again on full time basis. Respondent Nos.1 and 2 have not explained these documents also.

In this situation, without observing anything on merits, the interest of justice can be met with by directing the petitioners to appear before respondent No.2

and produce all relevant material. We grant the petitioners liberty to make a representation to respondent No.2 with necessary documents pointing out that they were never working on contract basis. If such representation is received within a period of three weeks from today, respondent No.2 shall hear them and respondent No.4-management and thereafter take decision on it within next four weeks.

With these directions and keeping all contentions open, we dispose of the writ petition. No costs.

JUDGE

JUDGE

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