

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

Writ Petition No.3483 of 2013

(Mahadeo Bapuraoji Kapse .vs. The C.E.O., Z.P., Wardha and another)
with

Writ Petition No.3436 of 2013

(Khushal Sonbaji Manwar .vs. The C.E.O., Z.P., Wardha and another)

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

Court's or Judge's orders.

Mr.B.Lahiri, Advocate for the Petitioner.
Mr.P.V.Thakare, Advocate for Respondent No.1.
Mrs.A.R.Kulkarni, AGP for Respondent No.2.

CORAM : B.R.GAVAI AND
V.M.DESHPANDE, JJ.

DATE : 21.12.2016.

Heard.

It is not in dispute that the facts in the present cases are identical with the facts in a bunch of the petitions bearing Writ Petition No.1246 of 2012 and Others decided by this Court on 16.10.2015.

The Special Leave Petitions which are filed challenging the order passed by this Court in Writ Petition No.1246 of 2012 and Others were decided by Their Lordships of the Apex Court on 27.1.2014. In that view of the matter, the present Writ Petitions are allowed and disposed of in the following terms :

1. We make the rule absolute by holding that the petitioners who are above 45 years of age and who have completed 12 years' service in the cadre of Civil Engineer Assistants are entitled to higher pay scale in the cadre of Junior Engineers upon completion of 12 years of service in the cadre of Mistri Grade-I, Mistri Grade-II, Muster Clerk, Time Keeper, Draftsman, Tracer, etc.

2. The respondents are directed to fix the pay scale of the petitioners in the cadre of Junior Engineers upon completion of 12 years of service in the cadre of Mistri Grade-I, Mistri Grade-II, Muster Clerk, Time Keeper, Draftsman, Tracer, etc.

3. The pensionary benefits worked out on the same would be made applicable to the petitioners within a period of three months from today.

4, The arrears payable to the petitioners on the basis of the aforesaid would be cleared within a period of six months from today.

Civil Application No.2690 of 2016 in 3483 of 2013 and Civil Application Nos.2691 of 2016 in Writ Petition No.3436 of 2013 :

In view of disposal of the Writ Petitions, no orders are necessary on these Civil Applications. Hence, the same are disposed of.

JUDGE

JUDGE

jaiswal