

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

WRIT PETITION NO. 4944 OF 2016

Ramchandra Krishnarao Pardikar

-VS-

Zilla Parishad, Akola, thr.Chief Executive Officer and others

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

Court's or Judge's Orders.

Petitioner in person.

Mr. B.N.Jaipurkar, counsel for the respondent No.1 and 4.

Mr. Nikhil H. Joshi, AGP for the respondent Nos.2 and 3

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 24.11.2016.

By this writ petition, the petitioner challenges the order of the Executive Engineer, Construction Division, Zilla Parishad Akola rejecting the representation made by the petitioner for grant of higher pay scale of Rs.1640-2900 from 01/10/1994 and the pay scale of Rs.5500-9000 from 01/01/1996.

The petitioner had earlier filed Writ Petition No.6176 of 2013 seeking a direction against the respondent-Zilla Parishad Akola through its Chief Executive Officer to grant higher pay scale to the petitioner. This court had partly allowed the writ petition and directed the Zilla Parishad through its Chief Executive Officer to consider the claim of the petitioner for grant of higher pay scale in the light of the directions issued by the Division Bench of this court in the judgment in Writ Petition No.4915 of 2012. After the impugned order was passed, the Executive Engineer has, after hearing the petitioner on 28/08/2012, rejected the representation of the petitioner by an undated order.

Inter alia, the petitioner, who appears in person, challenges the order of the Executive Engineer on the ground that the Executive Engineer did not have jurisdiction to decide the

representation of the petitioner and consider whether the petitioner was entitled to the higher pay scale or not. It is submitted that this court had clearly directed the Zilla Parishad through the Chief Executive Officer to decide the representation of the petitioner. It is stated that it was necessary for the Chief Executive Officer to pass appropriate order on the representation made by the petitioner for higher pay scale.

It appears on hearing the learned counsel for the parties and on a perusal of the order dated 16/07/2014 in Writ Petition No.6176 of 2013 that this court had clearly directed the Chief Executive Officer of the Zilla Parishad to consider the claim of the petitioner. We are surprised that the claim in regard to the higher pay scale is decided by an Executive Engineer. It was incumbent on the part of the Chief Executive Officer of the Zilla Parishad to have decided the representation, one way or the other.

Hence, for the reasons aforesaid, we quash and set aside the impugned order and direct the Zilla Parishad Akola, through its Chief Executive Officer to decide the representation of the petitioner within two months, after hearing the petitioner. The petitioner undertakes to appear before the Chief Executive Officer on 07/12/2016. Order accordingly. No costs.

JUDGE

JUDGE