

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4750 OF 2016.

(State of Maharashtra & others .vs. Shri Atmaram Pathak)

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

Court's or Judge's orders

Mr. D.P. Thakare, Addl. G.P. for petitioners,
Mr. N.D. Thombre, Advocate for respondent.

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

DATED : AUGUST 16, 2016.

The petitioner State has challenged the judgment and order dated 19.10.2015 passed by the learned Maharashtra Administrative Tribunal in Original Application No. 266/07.

The respondent herein approached the learned Tribunal, thereby challenging the Government Resolution dated 24.5.1984 vide which two different scales were provided for the post of Superintendent at Mumbai and the Superintendent at Mofussil, i.e. at places other than Mumbai. The pay-scale that was prescribed for the Superintendents at Mumbai was Rs.500-900/- whereas in so far as Superintendents at places other than Mumbai was Rs.395-800/-. It was the contention of the petitioners that the approach of the State was discriminatory and violative of Article 14 of the Constitution of India.

The Original Application was strenuously resisted by the petitioners on the ground that the Original Application challenging the 1984 Government Resolution was filed in the year 2007 and as such, the petition was beyond limitation. It was

also contended on behalf of the State that the entry level of Senior Clerks at Mumbai was through selection by M.P.S.C., whereas at other places it was not so.

The learned Members of the Tribunal upon perusal of the entire material placed on record held that the duties performed by the Superintendents whether at Mumbai or at other places were identical. The learned Tribunal further found that on the principle of equal pay for equal work, the impugned Government Resolution was discriminatory in nature. We find no error in the approach adopted by the learned Tribunal.

In so far as delay is concerned, since the operation of the impugned Government Resolution continued the disparity in the pay-scale even upto the date of filing of the Original Application, it could not be said that the Original Application was beyond limitation.

No doubt that in so far as the other payments like the City Allowance, H.R.A., etc. is concerned, a person who is posted in bigger city like Mumbai, may be entitled to allowances at a higher rate. However, in so far as the pay-scale is concerned, on the ground of equal pay for equal work, there cannot be a disparity between similarly circumstanced persons only on the basis of the location of the places where they work.

The petition is, therefore, found to be without merit and as such dismissed. The petitioners are directed to give effect to the judgment of the learned Tribunal within a period of four weeks from today.

Judge

Judge

J.

CERTIFICATE

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

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