

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

WRIT PETITION NO.6862 OF 2016

[Shri Jitendra s/o Vasantao Gadge and one .vs. The State of Maharashtra and others]

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

Court's or Judge's orders

Shri B.G. Kulkarni, counsel for the petitioners,
Shri S.P. Deshpande, Additional Government Pleader for the respondents.

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

DATED : DECEMBER 07, 2016.

Heard the learned counsel for the parties.

The learned counsel for the petitioners states that the issue involved in this case stands answered in favour of the petitioners by the order dated 28.1.2015 in Writ Petition No.6630/2013 and others. It is stated that the said order is followed by this Court in several other writ petitions. It is stated that by allowing the aforesaid writ petitions, this Court has directed the respondents to grant upgradation to the petitioners, subject to verification of their claims.

Shri Deshpande, the learned Additional Government Pleader appearing on behalf of the respondents, does not dispute the statement made by the learned counsel for the petitioners. It is stated, after reading the order dated 28.1.2015 in Writ Petition No.6630/2013 and others, that the facts involved in the present case and the decided cases are almost identical.

Hence, for the reasons recorded in the order dated 28.1.2015 in Writ Petition No.6630/2013 and others, we

allow this writ petition. We hereby direct the respondents to consider the claim of the petitioners for grant of the status of full time Librarian from the dates mentioned in Annexure A, within three months. After the verification, the petitioners may be granted the status of full time Librarian, if they are so entitled, within four months. It is needless to mention that since the arrears of difference of salary is denied to the petitioners in the other writ petitions, the petitioners in this writ petition would also not be entitled to the arrears of difference of salary though they may be entitled to upgradation from the dates mentioned in Annexure A. It is also clarified that the petitioners would be entitled to the benefits flowing from the order of upgradation to the post of Librarian from the dates mentioned in Annexure A for the purpose of notional pay fixation, time bound promotion and pensionary benefits in accordance with the Rules. Order accordingly. No costs.

JUDGE

JUDGE