

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 5638 OF 2016.**

(Ku. Roopali d/o Bhojraj Malode .vs. The Municipal Council, Katol & others)

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

Court's or Judge's orders

Mrs. Mugdha Chandurkar, Advocate for petitioner,
Mr. M.I. Dhatrak, Advocate for respondent no.1.
Mr. N.H. Joshi, A.G.P. for respondent no. 2

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

DATED : OCTOBER 25, 2016.

The petitioner has approached this Court praying for a direction to the respondents to give the pay-scale to the petitioner in the Graduate Teachers Cadre from 25.8.2014.

Katol Municipal Council has passed a resolution on 25.8.2014 thereby resolving to grant promotion to the petitioner in the Graduate Teachers category. The same was challenged before the Collector under the provisions of Section 308 of the Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965. Being aggrieved thereby, the petitioner had approached this Court by way of Writ Petition No. 3060/15. This Court vide judgment and order dated 6.8.2015 on the basis of the view taken by this Court in the case of **Vitthal Fakruji Madavi .vs. Zilla Parishad, Chandrapur reported in 2006 (2) Mh. L.J. 124** allowed the petition and quashed and set aside the order of the Collector. As a result, the Resolution passed by the Municipal Council stood upheld by this Court.

However, in spite of the same having been done, since the petitioner was not paid the salary in the Graduate Teachers Cadre, the petitioner has approached this Court.

Shri M.I. Dhatrak, learned Counsel for the respondent no.1, in his usual fairness, admits that the petitioner is entitled to the said pay-scale and accordingly, the respondent no.1 has already forwarded the proposal for paying the said pay-scale to the petitioner to the Superintendent, Pay Unit in the office of the respondent no.2.

In that view of the matter, we allow the petition with a direction to the respondent no.2 to scrutinize the proposal as submitted by the respondent no.1 within a period of four weeks from today and start paying the salary to the petitioner in the Graduate Teachers Scale from the month of December, 2016. The arrears as per the resolution shall be paid to the petitioner within a period of three months from today.

Judge

Judge

J.