

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.176 OF 2010

Rajendra s/o Tukaram Chitte
Age: 50 Yrs., occu. Service
R/o 67, Jaihind Colony,
Deopur, Dhule, Dist. Dhule.

- PETITIONER

VERSUS

- 1) The State of Maharashtra
Through Secretary,
R.D.& Water Conservation
Department, Mantralaya,
Mumbai-32.
- 2) The Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai-32.
- 3) The Chief Executive Officer,
Zilla Parishad, Dhule.

- RESPONDENTS

WITH

WRIT PETITION NO.1133 OF 2010

Smt. Sanjivani w/o Vasantrao Mahajan,
Age: 56 Yrs., occu. Household,
R/o Gut No. 137, B-2/58,
Vasant Vihar, Deolai road,
Satara Parisar, Aurangabad.

- PETITIONER

VERSUS

- 1) The State of Maharashtra
Through Secretary,
R.D.& Water Conservation
Department, Mantralaya,
Mumbai-32.
- 2) The Secretary,
Rural Development & Water
Conservation Department,

Mantralaya, Mumbai-32.

- 3) The Chief Executive Officer,
Zilla Parishad, Nandurbar. - RESPONDENTS

Mr.DR Irale-Patil, Advocate for Petitioner/s

Mr.SB Joshi, AGP for Resp.Nos.1 & 2;

Mr.Nilesh N.Desale and Mr. PS Patil, Advocates for
Resp.No.3 (in respective matters)

**CORAM : T.V.NALAWADE &
SANGITRAO S.PATIL,JJ.**

DATE : 1st MARCH,2017.

ORAL JUDGMENT (PER:- T.V.NALAWADE,J.)

1) Rule made returnable forthwith. By
consent, taken up for final disposal.

2) Both the petitions are filed for giving
pensionary benefits to the petitioners on the
basis of Government Resolution dated 8.6.1995.
The Government Resolution was issued for giving
time bound promotion after completion of 12
years' service on the same post. The petitioners
are retired persons. However, they were in
service when the effect of aforesaid Government
Resolution was to be given.

3) The submission made shows that beyond the benefit of the Government Resolution and applicable pensionary benefits, they are not claiming arrears of salary. The petitioners also seek fixation of pay as per the time bound promotion.

4) Learned Counsel for the petitioners placed reliance on the observations made by this court in the judgment dated 13th January, 2017 delivered Writ Petition No.2950/2009 (Suresh s/o. Narayan Badgujar Vs. State of Maharashtra & Ors.) and Order dated 11th January, 2017 passed in Writ Petition No.346/2009 (Pandharinath Eknath Bakshi and Anr. Vs. State of Maharashtra & Ors.)

5) In view of the decision given in similar cases by this court, this court holds that, pay fixation in respect of the petitioners needs to be done after giving them time bound promotion on the basis of the Government Resolution if they are entitled to it and accordingly their pension

needs to be fixed.

6) The impugned Circular is, therefore, set aside. The benefit of the aforesaid Government Resolution needs to be given to the petitioners and consequently their pay to be fixed and their pension needs to be revised. This exercise to be done within three months from today.

7) Rule is made absolute in the aforesaid terms.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/