

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3507 OF 2004

Ashok S/o. Dharmaling Patil,
Age: 43 Years, R/o.: C/o. N. R. Patil,
Plot No. 72, Gat No. 53, Shiv Colony,
Jalgaon.

.. **Petitioner**

Versus

1. Director of Technical Education,
Maharashtra State, 3 Mahapalika Marg,
Mumbai.
2. Joint Director of Technical Education,
Nashik Region, Samangaon Road,
Nashik Road, Nashik.
3. State of Maharashtra
(Through Secretary, Higher and Technical
Education and Employment Department,
Mantralaya, Mumbai-32).
4. North Maharashtra University,
Jalgaon, through its Registrar,
University Campus, Wambhori,
Jalgaon.
5. All India Council for Technical Education
(A.I.C.T.E.), I. G. Sports Complex, I. G. Estate,
New Delhi – 110 202.

6. Chairman,
College of Engineering and Technology,
P. B. No. 94,
Wambhori, Jalgaon.
7. Principal,
College of Engineering Technology,
New Polytechnic, P. B. No. 94,
Wambhori, Jalgaon.

.. **Respondents**

Shri L. V. Sangit h/f Shri V. J. Dixit, Advocate for Petitioner.
Shri S. N. Morampalle, A. G. P. for Respondent Nos. 1 to 3.
Shri S. V. Adwant, Advocate for Respondent No. 5.
Shri A. G. Talhar, Advocate for Respondent Nos. 6 and 7.

**CORAM : R. D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

DATE : 4th September, 2017

ORAL ORDER (PER: *R. D. DHANUKA, J.*):

1. Learned counsel for the petitioner and the Management agree that the issue involved in this petition and the facts are identical to the facts and issue involved in Writ Petition No. 7410 of 2005 which is disposed of by this Court by an order and judgment dated 11th July, 2017. Submission is accepted.
2. In view of the admitted position that said judgment would apply to the facts of this case, we pass the following order:

ORDER

(i) The respondent / Institution shall fix the pay and allowances of the petitioner as prescribed by the 4th, 5th and 6th Pay Commissions with effect from 1st January, 1986, 1st January, 1996 and 1st January, 2006, respectively, and pay him the arrears thereof in respect of the period of three years preceding the date of filing of Writ Petition till he was serving with the respondent / Institution.

(ii) The arrears of pay and allowances shall be paid to the petitioner within a period of four months from today, failing which the respondent / Institution would be liable to pay interest thereon at the rate of Rs. 9% per annum from the date of this order till payment thereof.

(iii) It is made clear that if the petitioner has already settled the dispute with the Management and has been paid any amount in terms of the settlement if any arrived at, this order will not apply to the parties.

(iv) Rule is made partly absolute in the above terms.

(v) The parties shall bear their own costs.

[SUNIL K. KOTWAL, J.]

[R. D. DHANUKA, J.]

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