

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

WRIT PETITION NO. 2721 OF 2011

Pralhad Tukaram Khamkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anil M. Gaikwad, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 4.
The Respondent No. 5 is absent though served.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH JANUARY, 2017.

PER COURT :

. Though the respondent No. 5 is served, none appears for the respondent No. 5.

2. We have heard Mr. Gaikwad, the learned counsel for the petitioner. The petitioner seeks salary in the pay scale of a trained librarian. The state has filed affidavit in reply. The State in its affidavit in reply has stated as under :

"6. I say and submit that, after considering the various judgment of the Hon'ble High Court and Hon'ble Supreme Court, the State Government has framed a new policy for the implementing of

various order of the Hon'ble Courts to avoid the confusion, the Government has issued Government Circular dated 14-1-2016 regarding pay fixation of graduate librarian. As per the said circular the chart is given regarding the pay fixation of graduate with diploma or degree. As per the said chart as per the 4th 5th and 6th pay commission the pay fixation is done and which is defined in the said circular.

7. I say and submit that, the Petitioner has been retired on 30.09.2011 as Librarian. I say and submit that, in view of the new policy decision taken by the State Government regarding the pay scale of the Librarian, if the fresh proposal is submitted by the respondent No. 5-Management to the office of the respondent No. 4, further action regarding pay fixation of the present petitioner will be done as early as possible. I say and submit that, in view of the subsequent development and in view of the new policy, Writ Petition does not survive and hence Writ Petition may kindly be disposed of."

3. Mr. Gaikwad, the learned counsel on the basis of said affidavit states that, the management be directed to forward the proposal.

4. In view of the affidavit filed by the State, the respondent No. 5 shall forward fresh proposal in respect of pay scale to be paid to the petitioner as a trained librarian as per Government

Resolution dated 14.01.2016 expeditiously and preferably within a period of three (03) months from today. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17