

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

WRIT PETITION NO. 2950 OF 2009

Suresh S/o Narayan Badgular,
Age : 62 years, Occu. : Retired Z. P.
Employee (Pensioner), R/o Dhule,
At Present R/o Swami Narayan Nagar,
Plot No. 7, Panchwati Nashik,
Dist. Nashik. .. Petitioner

Versus

1. The State of Maharashtra,
For Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai - 32.
2. The Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai - 32.
3. Chief Executive Officer,
Zilla Parishad, Dhule. .. Respondents

Shri D. R. Irale Patil, Advocate for the Petitioner.
Shri Y. G. Gujrathi, A.G.P. for Respondent Nos. 1 and 2.
Shri Nilesh N. Desale, Advocate for the Respondent No. 3.

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

DATE : 13TH JANUARY, 2017.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. The petitioner herein was working as Sectional Engineer. Time Bound promotional pay scale was awarded to him, however, by the impugned communication, the same has been withdrawn. The said communication/circular is assailed in the present writ petition.

2. Mr. Patil, the learned counsel for the petitioner states that the petitioner is similarly situated like the petitioner in Writ Petition No. 1836 of 2009, decided on 21st October, 2016. The petitioner was working in the same department and on the same posts in Zilla Paqrishads at Dhule.

3. It is submitted that benefit of time bound promotional pay scale is already accorded to Dongar s/o Damu Koli who has filed Writ Petition No. 1836 of 2009. The said benefit was accorded by the Executive Engineer, Minor Irrigation Department, Zilla Parishad, Dhule under order dated 17.05.2016 giving revised pensionary benefits to the petitioner/Dongar Damu Koli. On the basis of said benefits given to the petitioner in Writ Petition No. 1836/2009, the said writ petition was disposed of. Learned A. g. P. and learned counsel for the Zilla Parishads do not dispute it.

4. It is accepted by the learned counsel for the parties that the petitioner in this petition is similarly situated like the petitioner in Writ Petition No. 1836 of 2009 to whom the revised

pensionary benefits were already accorded by the respondent. In the light of that the petitioner herein would be entitled for the same benefits. The writ petition is accordingly disposed of by quashing the impugned communication and directing the respondents to accord the same benefits to the petitioner as accorded to Dongar Damu Koli in Writ Petition No. 1836 of 2009. Same be done expeditiously and preferably within a period of six (06) months from today.

5. Rule is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17