IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7410 OF 2005

1. Madhukar s/o Shrawan Patil,
age : 46 years, Occu.: Service,
R/o Plot No. 83, Shiv Colony,
Jalgaon, Dist. Jalgaon

2. Rajendra s/o Trimbak Patil,
age : 45 years, Occu.: Service,
R/o. Plot No. 45, Old Bhagwan
Nagar, Jalgaon, Dist. Jalgaon

3. Ravindra s/o Rajdhar Patil,
age : 43 years, Occu.: Service
R/o 14/3, Ambika Housing Society,
Near Bhagwan Nagar,
Jalgaon, Dist. Jalgaon

4. Dineshkumar s/o Uttamrao Adokar,
Age : 40 years, Occu.: Service,
R/o Plot No. 28, Kolhenagar,
Jalgaon, Dist. Jalgaon

5. Ravindra s/o Atmaram Sonwane,
age : 42 years, Occu.: Servie,
r/o 5, Bhushan Colony,
Jalgaon, Dist. Jalgaon

6. Gajendrakumar s/o Ravishankar
Warma, Age : 41 years, Occu.: Service,
R/o Plot No.2, Shivrana Nagar, Jalgaon,
Dist. Jalgaon

7. Umakant s/o Namdeo Jawale,
Age : 40 years, Occu. Service,
r/o 35, Janki Nagar, Jalgaon,
District Jalgaon

8. Kishor s/o Madhukar Patil,
age : 34 years, Occu.: Service,
R/o Plot No.20, Shankarappa
Nagar, Pimprala, Jalgaon,
District Jalgaon **..PETITIONERS**

VERSUS

1. The State of Maharashtra,
through Secretary, Higher and
Technical Education and
Employment Department,
Mantralaya, Mumbai – 32

2. The Director of Technical,
Education, Maharashtra State,
3, Mahapalika Marg,
Mumbai -400 001

3. The Maharashtra State Board of
Technical Education, through
Secretary, Govt. Polytechnic,
Building, 49, Kherwadi,
Aliyawar Jang Road,
Bandra (E), Mumbai – 51

4. Shram Sadhana Trust,
Through Chairman, Bambhori,
District Jalgaon 425 001

5. New Polytechnic, Bambhori,
District Jalgaon, through
Principal

6. The Member Secretary,
Local Management Committee,
Shram Sadhana Trust,
Jalgaon, Dist. Jalgaon .. **RESPONDENTS**

WITH
CIVIL APPLICATION NO. 500 OF 2006
IN
WRIT PETITION NO. 7410 OF 2005
(Madhukar s/o Shrawan Patil and others Vs. The State of Maharashtra and others)
WITH
CIVIL APPLICATION NO. 3671 OF 2006
IN
WRIT PETITION NO. 7410 OF 2005

(Madhukar s/o Shrawan Patil and others Vs. The State of Maharashtra and others)

WITH
CIVIL APPLICATION NO. 9306 of 2016
IN
WRIT PETITION NO. 7410 OF 2005

1. Shram Sadhana Trust,
Through Chairman, Bambhori,
District Jalgaon 425 001

2. New Poly Technic, Bambhori,
District Jalgaon, through
Principal

3. The Member Secretary,
Local Management Committee,
Shram Sadhana Trust,
Jalgaon, Dist. Jalgaon **.. APPLICANTS**

VERSUS

1. Madhukar s/o Shrawan Patil,
age : 46 years, Occu.: Service,
R/o Plot No. 83, Shiv Colony,
Jalgaon, Dist. Jalgaon

2. Rajendra s/o Trimbak Patil,
age : 45 years, Occu.: Service,
R/o. Plot No. 45, Old Bhagwan
Nagar, Jalgaon, Dist. Jalgaon

3. Ravindra s/o Rajdhar Patil,
age : 43 years, Occu.: Service
R/o 14/3, Ambika Housing Society,
Near Bhagwan Nagar,
Jalgaon, Dist. Jalgaon

4. Dineshkumar s/o Uttamrao Adokar,
Age : 40 years, Occu.: Service,
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5. Ravindra s/o Atmaram Sonwane,
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6. Gajendrakumar s/o Ravishankar
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Dist. Jalgaon

7. Umakant s/o Namdeo Jawale,
Age : 40 years, Occu. Service,
r/o 35, Janki Nagar, Jalgaon,
District Jalgaon

8. Kishor s/o Madhukar Patil,
age : 34 years, Occu.: Service,
R/o Plot No.20, Shankarappa
Nagar, Pimprala, Jalgaon,
District Jalgaon

9. The State of Maharashtra,
through Secretary, Higher and
Technical Education and
Employment Department,
Mantralaya, Mumbai – 32

10. The Director of Technical,
Education, Maharashtra State,
3, Mahapalika Marg,
Mumbai -400 001

11. The Maharashtra State Board of
Technical Education, through
Secretary, Govt. Polytechnic,
Building, 49, Kherwadi,
Aliyawar Jang Road,
Bandra (E), Mumbai – 51 **..RESPONDENTS**

WITH
WRIT PETITION NO. 163 OF 2002

Shri Mukund Govind Wani,
age : 36 years, Occu.: Service,
'Radhe-Govind', Gat No.29,
Muktainagar, jalgaon, Taluka
and District Jalgaon **.. PETITIONER**

VERSUS

1. State of Maharashtra,

2. North Maharashtra University,
Jalgaon, at Jalgaon,
Through its Registrar

3. The Registrar,
College of Engineering and
Technology,
Bambhori, Taluka Erandol,
Distrit Jalgaon

4. Principal,
College of Engineering and
Technology,
Bambhori, Taluka Erandol,
District Jalgaon

5. Director,
High Technical Education,
Department,
Mantralaya Annexe,
Mumbai .. **RESPONDENTS**

WITH

CIVIL APPLICATION NO. 12505 OF 2015

IN

WRIT PETITION NO. 163 OF 2002

1. The Registrar,
College of Engineering and
Technology,
Bambhori, Taluka Erandol,
Distrit Jalgaon

4. Principal,
College of Engineering and
Technology,
Bambhori, Tq. Erandol,
Dist.Jalgaon .. **APPLICANTS**

VERSUS

1. Mukund Govind Wani,
age : 36 years, Occu.: Service,
'Radhe-Govind', Gat No.29,
Muktainagar, jalgaon, Taluka
and District Jalgaon

2. State of Maharashtra,

3. North Maharashtra University,
Jalgaon, at Jalgaon,
Through its Registrar

4. Director,
High Technical Education,
Department,
Mantralaya Annexe,
Mumbai .. **RESPONDENTS**

WITH
WRIT PETITION NO. 1420 OF 2002

1. Deelip D. Chavan,
Age : 40 years, Occu.: Lab. Asstt.,
R/o. 2, Bhagirath Colony,
Z.P. Colony Road, Jalgaon

2. Nitin V. Patil,
Age : 37 years, Occ.: Lecturer
R/o.: 19-A, Meera, Chandraprabha
Colony, Jalgaon

3. Sanjay V. Sinkar,
Age : 40 years, Occu.: Sr. Lecturer,
R/o. 29, Housing Society,
Pimprala Road, Opp. Yash Plaza Office,
Jalgaon

4. Sachin B. Bayani,
age : 32 years, Occu.: Lab. Asstt.
R/o.: 10, Ganesh Colony, Jalgaon

5. Manish P. Deshmukh,
Age : 36 years, Occu.: Sr. Lecturer,
R/o.: C/o. Adv. P.R. Deshmukh,
at Post Muktainagar, Jalgaon

6. Kailas D. Patil,
Age : 38 years, Occu.: Asstt.
Store Keeper, R/o. 7-B, Bhushan Colony,
Jalgaon

7. Vijay G. Nagpure,
Age : 33 years, Occu.: Lab. Technician,
R/o.: 19, Kamalkunj, Shriratna colony,
Near Mundada High School, Jalgaon

8. Chandrakant R. Joshi,
Age: 37 years, Occ.: Non Tech.Lab.
Asstt., R/o.: Sai Leela, Plot No.1,
Adarshnagar, Jalgaon **..PETITIONERS**

VERSUS

1. The State of Maharashtra,
Through the Secretary, Higher
and Technical Education and
Employment Department,
Mantralaya, Mumbai – 32

2. The Director of Technical
Education, Maharashtra State,
3, Mahapalika, Mumbai – 32

3. Jt.Director of Technical,
Education (Nashik Region),
Samangaon Road, Nashik Road,
Nashik – 422 101

4. North Maharashtra University,
Jalgaon, through the Registrar,
North Maharashtra University,
Jalgaon-425 001

5. All India Council for Technical,
Education (A.I.C.T.E.),
I.G. Sports Complex, I.G. Estate,
New Delhi – 110 202
through its Adviser (E & T),

6. Chairman,
through Principal,
C.O.E.T., Bambhori,
Jalgaon

7. Principal,
Sramsadhana Trust's
College of Engineering Technology,
and New Polytechnic, P.B.94,
Bombhori, Jalgaon – 425 001

8. Principal,
New Polytechnic,
C.O.E.T., Bambhori,
Jalgaon .. **RESPONDENTS**

WITH
CIVIL APPLICATION NO. 5132 OF 2006
IN
WRIT PETITION NO. 1420 OF 2002
(Deelip D. Chavan and others Vs. The State of Maharashtra and others)

WITH
CIVIL APPLICATION NO. 12512 OF 2015
WITH
WRIT PETITION NO. 1420 OF 2002

1. Chairman,
through Principal,
C.O.E.T., Bambhori,
Jalgaon

2. Principal,
Sramsadhana Trust's
College of Engineering Technology,
and New Polytechnic, P.B.94,
Bombhori, Jalgaon – 425 001

3. Principal,
New Polytechnic,
C.O.E.T., Bambhori,
Jalgaon .. **APPLICANTS**

VERSUS

1. Deelip D. Chavan,
Age : 40 years, Occu.: Lab. Asstt.,
R/o. 2, Bhagirath Colony,
Z.P. Colony Road, Jalgaon

2. Nitin V. Patil,
Age : 37 years, Occ.: Lecturer
R/o.: 19-A, Meera, Chandraprabha
Colony, Jalgaon

3. Sanjay V. Sinkar,
Age : 40 years, Occu.: Sr. Lecturer,
R/o. 29, Housing Society,
Pimprala Road, Opp. Yash Plaza Office,
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4. Sachin B. Bayani,
age : 32 years, Occu.: Lab. Asstt.
R/o.: 10, Ganesh Colony,
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5. Manish P. Deshmukh,
Age : 36 years, Occu.: Sr. Lecturer,
R/o.: C/o. Adv. P.R. Deshmukh,
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Age : 38 years, Occu.: Asstt.
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7. Vijay G. Nagpure,
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Age: 37 years, Occ.: Non Tech.Lab.
Asstt., R/o.: Sai Leela, Plot No.1,
Adarshnagar, Jalgaon

9. The State of Maharashtra,
Through the Secretary,
Higher and Technical Education and
Employment Department,
Mantralaya, Mumbai – 32

10. The Director of Technical,
Education, Maharashtra State,
3, Mahapalika Marg, Mumbai-1

11. Jt. Director of Technical,
Education (Nashik Region),
Samangaon Road, Nashik Road,
Nashik 422 101

12. North Maharashtra University,
Jalgaon, through the Registrar,
North Maharashtra University,
Jalgaon-425 001

13. All India Council for Technical,
Education (A.I.C.T.E.),
I.G. Sports Complex, I.G. Estate,
New Delhi – 110 202
through its Adviser (E & T) .. **RESPONDENTS**

Mr.G.V. Wani, Advocate for the Petitioners in W.P.No.163/2002,
Mr.L.V. Sangit, Advocate holding for Mr.V.J.Dixit, Advocate for petitioner in W.P. No.1420/2002
Mr.S.P.Brahme, Advocate for the petitioners in W.P.No.7410/2005
Mr.S.B. Pulkundwar, A.G.P. for respondents/State in all Writ Petitions
Mr.Y.B.Bolkar, Advocate holding for Mr. R.B. Raghuwanshi, Advocate for respondent No.2 in W.P. No.163/2002 and for respondent No.4 in W.P. No.1420/2002
Mr.A.G.Talhar, Advocate for respondent Nos.3 and 4 in W.P.No. 163/2002 and for respondent No.7 in W.P. No.1420/2002
Miss.Neha Kamble, Advocate holding for Mr.S.V.Adwant, Advocate for respondent No.5 in in W.P.No.1420/2002

CORAM : T.V. NALAWADE AND SANGITRAO S. PATIL, JJ.

RESERVED ON : 3rd JULY, 2017
PRONOUNCED ON : 11th JULY, 2017

COMMON JUDGMENT (PER : SANGITRAO S. PATIL, J.) :

Heard the learned counsel for the contesting parties.

2. Common questions of law and facts are involved in these Writ Petitions. Hence, they are being disposed

of by this common judgment.

3. The petitioners happened to be the teaching and non-teaching staff members of the respondent-Institution viz. Shram Sadhana Trust, Bambhori, running a College of Engineering, Technology and New Polytechnic at Bambhori, District Jalgaon. They have claimed implementation of the Government Resolutions dated 26th May, 1992 and 18th December, 1999, the Circular dated 29th September, 2005 and letter dated 7th March, 2000 to enable them to get the pay scales as recommended by the 4th and 5th Pay Commissions made applicable from 1st January, 1986 and 1st January, 1996, respectively. According to the petitioners, the said pay scales have been made applicable to their counterparts serving in the Government College of Engineering, Technology and Polytechnic and as such, they also are entitled to the same benefits on the principle of parity.

4. The claim of the petitioners has been opposed by the respondent-Institution on various grounds and particularly on the grounds that the pay scales prescribed by the 4th and 5th Pay Commissions are not applicable to the non-teaching staff members, that there

are no directions given by the All India Council of Technical Education (for short, "AICTE") prescribing the said pay scales for non-teaching staff, that the petitioners have no legal right to claim implementation of the recommendations of the 4th and 5th Pay Commissions, that the respondent-Institution is not financially sound enough to fulfill the demands of the petitioners for such higher pay scales and more particularly from the above mentioned dates, that the respondent-Institution is not a State and therefore, no directions can be issued against it under Article 226 of the Constitution of India, that the Writ Petitions for claiming arrears of pay and allowances are not maintainable and that the Writ Petitions are liable to be dismissed on the ground of delay and laches on the part of the petitioners in claiming the aforesaid reliefs.

5. The controversial points raised in these Writ petitions have been set at rest by various judgments `cited on behalf of the petitioners.

6. ***Writ Petition No. 953 of 1990 (Ishwar Jaggnath Gabhane and others Vs. The State of Maharashtra*** and others), decided by Nagpur Bench of this Court on 8th July, 2004 was filed by non-teaching staff members of

Karmaveer Dadasaheb Kannamwar College of Engineering, Nandanvan, Nagpur, seeking pay-scales as available to the employees of V.R.C.E. or Government Polytechnic Institute as well as Engineering Colleges. In the case of ***Vijay Vynkatesh Bindur and others Vs. State of Maharashtra and others (Writ Petition No.3793 of 2002)***, decided by the Main Seat of this Court at Bombay on 27th September, 2002, the petitioners were employed as teaching and non-teaching staff members of Shahu Chattrapati Polytechnic at Tilawani, Ichalkaranji, who had prayed for implementation of the Government Resolutions dated 26th May, 1992 and 18th December, 1999, prescribing pay-scales as recommended by the 4th and 5th Pay Commissions. In both of these Writ Petitions, the claims made by the petitioners therein were accepted by the Court and they were extended the benefits of the recommendations of the 4th and 5th Pay Commissions from the respective dates of their implementation, subject to law of limitation, holding that the Writ Petitions were maintainable for claiming such reliefs.

7. The learned Counsel for the respondent/Institution has relied on an unreported judgment in the case of ***St. Paul's Senior Secondary***

School, Palampur and another Vs. State of H.P. through Secretary (Education) and others, L.P.A. No.48 of 2004, decided by the High Court of Himachal Pradesh, Shimla on 25th July, 2008, wherein the financial incapacity of the respondent/educational Institution therein was considered as a ground for denying the parity in the pay sought by the employees of that Institution with their counterparts in Government schools or Government aided schools.

8. In the case of ***Teachers Association For Non-Aided Polytechnics and others Vs. Hindi Seva Mandal, Bhusawal and others (Writ Petition No.364 of 1999)***, decided by this Court on 3rd July, 2001, petitioners no.2 to 31 were members of teaching and non-teaching staff of Shri Sant Gadge Baba Polytechnic, Bhusawal, Dist. Jalgaon. They had claimed that the Circular dated 29th September, 1995, issued by the Directorate of Technical of Education, Government of Maharashtra should be complied with by the respondent/Institution by paying the salaries and allowances, bonus, provident fund, gratuity, medical facilities and leave travel facilities, etc. to them as per the rules. This claim was accepted by the Court and the respondent/Institution

was directed to implement the Circular dated 29th September, 1995. In that case also, the Writ Petition was held to be maintainable. In the said case, it was further held that the financial incapacity of the private institutions to pay the salaries and other allowances to the employees is not relevant and the respondent/Management cannot take shelter of financial incapacity. The Special Leave Petition filed against the said decision in the Hon'ble Supreme Court of India has been rejected.

9. There is one more judgment cited on behalf of the petitioners in the case of ***Bhartiya Kamgar Sena and others Vs. State of Maharashtra and others (Writ Petition No.11091 of 2010)*** and companion Writ Petitions, decided by this Court on 10th February, 2012, wherein some of the petitioners were the teaching and non-teaching staff members of the engineering colleges of the respondent/Institutions. Almost all the objections, which have been raised in the instant Writ Petitions, were taken in the above-numbered Writ Petitions. However, they were overruled and the respondent/Institutions were directed to implement the pay-scales as recommended by the 6th Pay Commission as

was made available by the State of Maharashtra to the teaching and non-teaching staff members with effect from 1st January, 2006. In this judgment, there is reference of the judgment delivered by this Court in Writ Petition No.333 of 2002 filed by some of the teaching and non-teaching staff members of the respondent/Institution running Engineering College to implement the recommendations of the 5th Pay Commission which decision also was challenged almost on the same grounds, which have been taken in the present Writ Petitions, as seen from paragraph 18 of the judgment in Writ Petition No.11091 of 2010. However, those objections were overruled and the respondent/Institution was directed to pay salary and allowances to the teaching and non-teaching staff members of the respondent/Institution as recommended by the 5th Pay Commission. The judgment in Writ Petition No.11091 of 2010 was challenged before the Hon'ble the Apex Court by filing the Special Leave Petition, but it was dismissed.

10. In view of the above-referred judgments, it is now well settled that the teaching and non-teaching staff members of the private institutions running the colleges of Engineering, Technology and Polytechnic are

liable to pay the salary and allowances to such staff members as prescribed by the State Government from time to time. Here, reference may be made to condition No.5 of the Undertaking given by the respondent/Institution on 4th April, 1995, while getting approval to run the Engineering College and Polytechnic, which reads as under :-

> "The teaching and other staff members are being selected according to the procedure, qualification and experience prescribed by the Government. All faculty members are being paid full salary and allowances as prescribed by the State Government regularly and in time."

11. In view of the above undertaking as well as the judgments cited on behalf of the petitioners, we do not find any difficulty in directing the respondent/Institution to implement the Government Resolutions dated 26th May, 1992 and 18th December, 1999, the Circular dated 29th September, 2005 and the letter dated 7th March, 2000 and to fix the pay-scales of the petitioners as prescribed under the recommendations of the 4th and 5th Pay Commissions with effect from 1st

January, 1986 and 1st January, 1996, respectively.

12. During the pendency of these Writ Petitions, as per the order dated 12th February, 2015, passed by this Court, the Joint Director of Technical Education, Nashik, was appointed as a Court Commissioner to determine the amount of arrears payable to the petitioners as per the recommendations of the 4th and 5th Pay Commissions. Accordingly, the Court Commissioner heard the parties and submitted the report giving detail calculations in respect of the entitlement of the petitioners to receive the arrears of pay and allowances. This report has been strongly challenged on behalf of the respondent/Institution by filing Civil Application No.9306 of 2016 on about ten grounds.

13. The learned Counsel for the respondent/Institution submits that the Court Commissioner has wrongly considered the rate of dearness allowance as 148% instead of 136%. The respondent/College is located within the local limits of village Bambhori. As per the House Rent Allowance Rules (HRA) rates prescribed by the Government, H.R.A. admissible to such rural area is at the rate of 5% with a maximum of Rs.125/-. However, the Court Commissioner

has calculated the H.R.A. at the rate of 10%, which is meant for District headquarter. He further submits that travelling allowance is not applicable to the Colleges in rural area. However, the Court Commissioner has granted the travelling allowance as well. He then submits that the Court Commissioner has not considered that some of the petitioners were absent from duty and there was break in their services. However, the Court Commissioner did not take into consideration such breaks in the service.

14. We have perused the guidelines issued by the Government for implementation of the pay-scales as prescribed by the 4th and 5th Pay Commissions. It is clear that the House Rent Allowance is admissible at the rate of 5% with a maximum of Rs.125/- for rural area. It is not clear as to how the Court Commissioner granted the House Rent Allowance at the rate of 10%. Moreover, the Court Commissioner has calculated the arrears of pay and allowances from the dates 1st January, 1986 and 1st January, 1996 as per the recommendations of the 4th and 5th Pay Commissions. The learned Counsel for the respondent/Institution relying on the judgment in the case of ***Tukaram Kana Joshi Vs. Maharashtra Industrial***

Development Corporation, 2013(1) SCC 353, submits that by the present Writ Petitions, which have been filed in the years 2002 and 2005, the petitioners cannot claim arrears from the year 1986 onwards since their claim would be beyond the period of limitation. The petitions suffer from delay and laches.

15. We find some substance in the contention of the learned Counsel for the respondent/Institution. The petitioners cannot claim arrears of pay and allowances for a period of more than three years preceding the respective dates of filing the Writ Petitions since the claim beyond three years would be barred by limitation. Even in the case of ***Vijay Vynkatesh Bindur*** (Supra), cited on behalf of the petitioners, while accepting the entitlement of the petitioners therein to get salary salary and allowances as recommended by the 4th and 5th Pay Commissions, as seen from the paragraph 7 of the judgment, this Court directed the respondent/management to pay the salary and allowances as per the recommendations of the 4th Pay Commission and 5th Pay Commission with effect from the period of three years preceding the date of filing of the Writ Petition. In the circumstances, though the petitioners in the present

case are entitled to get fixed their salary and allowances as prescribed by the 4th and 5th Pay Commissions with effect from 1st January, 1986 and 1st January, 1996 onwards, however, they cannot get actual monetary benefits in the form of arrears of pay and allowances in respect of the period beyond three years preceding the respective dates of filing the Writ Ptitions since their claim for arrears of pay and allowances beyond three years from the respective date of filing the Writ Petitions would be barred by limitation. In the circumstances, the calculations made by the Court Commissioner cannot be acted upon.

16. We, however, make it clear that the factual disputes raised by the learned Counsel for the respondent/Institution about breaks in service in respect of some of the petitioners, rate of D.A., Rate of H.R.A., entitlement to get traveling allowance, etc., cannot be taken into consideration in exercise of writ jurisdiction of this Court. The respondent/Institution will have to consider such disputes at its own level with reference to individual cases of the petitioners. In case, any of the petitioners is not satisfied with the decision of the respondent-Institution, he may take

recourse to the appropriate remedy for redressal of his grievance. The respondent-Institution, while calculating the arrears of pay and allowances of the petitioners, also may take into consideration the relevant Government Resolutions, Circulars, etc. in respect of the rates of House Rent Allowance, dearness allowance, the travelling allowance etc. and after hearing the petitioner concerned, determine his claim for arrears of pay and allowances.

17. Petitioner no.4 - Dineshkumar s/o Uttamrao Adokar in Writ Petition No.7410 of 2005 has withdrawn himself from the petition. Hence, so far as the said petitioner is concerned, Writ Petition No.7410 of 2005 stood disposed of without any directions.

18. It is the case of some of the petitioners that their services have been terminated by the respondent-Institution with effect from 31st March, 2006. Therefore, they would be entitled to get pay and allowances as per the pay-scales made applicable by the State Government as recommended by 6th Pay Commission as well. We accept this contention and hold that the said petitioners would be entitled to get the pay-scales prescribed by the 6th Pay Commission with effect from 1st

January, 2006.

19. The petitioner in Writ Petition No.163 of 2002 has resigned from service with effect from 31st July, 1999. He has filed the said Writ Petition on 2nd April, 2001. He would be entitled to get his pay scale fixed as recommended by 4th and 5th Pay Commissions, but would get arrears of pay and allowances with effect from three years preceding the date of filing the Writ Petition till 31st July, 1999.

20. In the above circumstances, we party allow the Writ Petitions with the following order :-

O R D E R

(i) The respondent/Institution shall fix the pay and allowances of the petitioners 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 them the arrears thereof in respect of the period of three years preceding the respective dates of filing of the above-numbered Writ Petitions till they were serving with the respondent/Institution.

(ii) The arrears of pay and allowances shall be paid to the petitioners 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) Petition No.4 in Writ Petition No.7410 of 2005 is not entitled to get benefit of this order since he has withdrawn himself from the petition.

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

(v) The parties shall bear their own costs.

(vi) In view of disposal of Writ Petitions, all the pending Civil Applications stand disposed of.

[**SANGITRAO S. PATIL**]
JUDGE

[T.V. NALAWADE]
JUDGE

npj/wp7410-2005+