

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

WRIT PETITION NO. 6572 OF 2016

1. Sakharam Dagadu Wadmare, .. Petitioners  
Age-62 years, Occu-Pensioner,  
R/o. Sant Namdeo Nagar, Beed,  
Taluka and Dist. Beed
2. Laxman Manikrao Kamble,  
Age-64 years, Occu-Pensioner,  
R/o. Saraswati Colony No.4,  
Georai, Tq. Georai,  
Dist. Beed
3. Machindra Ganpatrao Baglane,  
Age-63 years, Occu-Pensioner,  
R/o.Kakadhira, Tq. & Dist. Beed

**Versus**

1. The State of Maharashtra .. Respondents  
Through its Department of General  
Administration & Department of Rural  
Development & Sanitation
2. The Chief Executive Officer,  
Zilla Parishad, Beed

Mr.S.S.Jadhavar, Advocate for the petitioner  
Mr.C.S.Kulkarni, AGP for the respondent/State  
Mr.S.N.Rodge, Advocate for respondent No.2

**CORAM : S.V. GANGAPURWALA &  
S.M. GAVHANE, JJ.**

**DATED : 07.12.2017**

**ORAL JUDGMENT [PER:S.V. GANGAPURWALA, J.]**

. Rule. Rule made returnable forthwith. With the consent of the parties taken up for final disposal.

2. The petitioners assail the order dated 23/24.02.2016 thereby denying the benefit of time bound promotional pay scale on the ground that only those persons who have been absorbed as Assistant Civil Engineer would be entitled for benefit of the pay scale of Junior Engineer.

3. We have heard Mr. Jadhavawar, learned Advocate for the petitioner and learned counsel for the respondent.

4. The petitioners were initially appointed as Mistri Grade-I/Mistri Grade-II in the year 1981, 1982 and 1984. In the year 1999 respondent No.1 created one cadre of Assistant Civil Engineer, Mistri, Road Karkun, Muster Clerk and two others. After having crossed 45 years of age they were not required any further qualification. The impugned order is illegal.

5. Mr. Rodge, learned Advocate for the Zilla Parishad relied upon the circular dated 20.07.2001 and

submits that the petitioners are required to enter the cadre of the Civil Engineering Assistant then they have to complete 12 years of service as Civil Engineering Assistant thereafter only the case can be considered.

6. We have also heard learned AGP.

7. Certainly the benefit to the petitioners could not have been given before completion of 45 years of age and on completion of 12 years of service.

8. The petitioners have given the details of date of appointment, the date of completion of 45 years of age and the date of completion of 12 years of service.

| Sr. No. | Name                        | Date of appointment | Completion of 45 years of age or qualifying date | Date of completion of 12 years services |
|---------|-----------------------------|---------------------|--------------------------------------------------|-----------------------------------------|
| 1.      | Sakhararm Dagadu Wadmare    | 01.04.1984          | 15.11.1999                                       | 01.04.1996                              |
| 2.      | Laxman Manikrao Kamble      | 01.04.1981          | 08.09.1997                                       | 01.04.1993                              |
| 3.      | Machindra Ganpatrao Baglane | 01.04.1982          | 01.01.1999                                       | 01.04.1996                              |

9. The benefit to the petitioners can be

given after completing 12 years of service and if they have not passed the departmental examination then after completing 45 years.

10. The Division Bench of this Court in case of Writ Petition No.5182 of 2012 under order dated 30.01.2014 has categorically observed that the petitioner was entitled to pay-scale of Junior Engineer on completion of 12 years of Mistri (Grade-I). Same is the view taken in Writ Petition No.1495 of 2014.

11. Considering the above the impugned order is quashed and set aside. It is held that the petitioners are entitled for the benefit of time bound promotional pay scale on completion of 12 years of service and completing 45 years of age and shall accord all further consequential benefits arising expeditiously.

12. Rule made absolute in above terms. No costs.

**[S.M. GAVHANE, J.]**

**[S.V. GANGAPURWALA, J.]**