

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

902 WRIT PETITION NO. 1927 OF 2008

JAGANNATH BHAGOJI GAIKWAD
VERSUS
THE CEO, ZP, OSMANABAD AND ANR

...

Advocate for the Petitioner : Shri M D Shinde. (Absent).
AGP for Respondent 2 : Smt.V.S.Chaudhari.

...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 17th November, 2017

Per Court :

1 When this petition was admitted on 19.06.2008, no interim relief was granted to the Petitioner, who has sought a direction to the Respondent authorities for the payment of his regular salary as per the pay scale applicable to the Zilha Seva (Class-IV) Parichar (First) Grade.

2 Since none appeared for the final hearing in this matter on 13.11.2017, we have posted the matter for dismissal today. Even today, none appears for the Petitioner. This matter, therefore, can be dismissed for want of prosecution.

3 However, we find from the prayer clause that the Petitioner is agitating for regular pay scale of the Zilha Seva (Class-IV) Parichar (First) Grade. His prayer clause "B" reads as under:-

"(B) That the direction may kindly be given to Respondents Authorities to pay regular scale of Zilla Seva (Class 4) Parichar (First) Grade, scale 200-3-230-5-255 increase 5-280 etc. those who are similarly situated are getting the salary."

4 Considering the above, this Writ Petition is disposed of with liberty to the Petitioner to make a representation to Respondent No.1/ Chief Executive Officer, Zilla Parishad, Osmanabad, who has not appeared in this matter despite service of court notice, within a period of TWELVE WEEKS from today. If such a representation is made by the Petitioner, Respondent No.1 shall consider the same strictly in accordance with the rules and service conditions applicable to the Petitioner and shall take a decision on the representation within a period of SIXTEEN WEEKS thereafter.

5 In the event, a favourable order is passed, Respondent No.1 would consider the payment of consequential benefits as well as the fixation of pay scale of the Petitioner keeping in view that he may have superannuated today as he was 53 years of age when the petition was filed on 22.10.2007.

6 Rule is discharged.