

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

WRIT PETITION NO. 7893 OF 2016

JAYANT AMRUTRAO NIMJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Jadhav Vivek U.
AGP for Respondent nos.1 and 2 : Smt. Vaishali
Patil
Advocate for Respondent no.3 : Smt. Ranjana Reddy

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 22nd FEBRUARY, 2017

O R D E R :

Mr. Jadhav, learned counsel for the petitioner submits that the validation proceeding in respect of tribe claim of the petitioner is pending with the Committee. Once the same was remitted back by the Nagpur Bench of this Court. Learned counsel submits that the petitioner is appointed in the year 1998. Respondents are not paying the annual increments and have not fixed his salary as per Labour agreement. As far as increments are concerned, irrespective of the category from which the person is appointed, the

person would be entitled for annual increment as per the service rules.

2. Considering the above, we pass following order.

(i) Respondent no.2 Committee shall decide the validation proceedings in respect of tribe claim of the petitioner, expeditiously, preferably within nine months from today.

(ii) The petitioner shall appear before the Committee on 8.3.2017.

(iii) The petitioner shall cooperate in expeditious disposal of the said proceedings.

(iv) Respondent no.3 shall not withhold annual increments and shall pay the same to the petitioner as is admissible as per the rules.

(v) No adverse action be taken against the petitioner only on the ground that validation proceedings

are pending.

(vi) Of course, the respondent/employer can take further course of action depending upon the judgment that may be delivered by the Committee in the validation proceedings.

3. Writ Petition disposed of. No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)

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