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

WRIT PETITION NO.10140 OF 2016

Alka Chintaman Palakhe
Age 57 years, Occ. Retired,
R/o Panchratan Row-house No.8,
Happy Home colony,
Near Shri. Krushna Hospital,
Dwarka, Nashik

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary School
Education, Mantralaya,
Mumbai
 2. The Deputy Director of Education,
Nashik
 3. The Administrative Officer,
Municipal Counsel/Corporation,
Jalgaon
 4. The Education Officer (Primary),
Zilla Parishad, Jalgaon
 5. The Accountant General
(Accounts and Entitlement),
101, Maharshi Karve Marg,
Mumbai, Maharashtra
 6. Dnyanprakash Shikshan Prasarak
Mandal, Jalgaon, Through
its Secretary
 7. Trambak Nagar Prathmik Vidya
Mandir, Trambak Nagar,
Mahabal Road, Jalgaon,
Through its Head Master
- ..RESPONDENTS

Ms Surekha Mahajan, Advocate for petitioner;
Mr V.S. Badakh, A.G.P. for respondents no.1 & 2;
Mr M.S. Sonawane, Advocate for respondent no.4

(2)

**CORAM : SHANTANU S. KEMKAR &
N.W. SAMBRE, JJ.**

DATE : 7th August, 2017

P.C.

The petitioner claims that she is retired from the post of Head Mistress but while sanctioning the pension, it has been sanctioned treating her to be on the post of Assistant Teacher that too on incorrect pay scale.

2. We find that on 16th May, 2016, respondent no.4 has forwarded a proposal to respondent no.5 – Accountant General for correcting the pay scale and the petitioner's pension as per the post which she was holding at the time of retirement.

3. Keeping in view the aforesaid, without commenting upon the merits of the matter, we dispose of this petition by directing respondents no.2 and 4 to forward fresh proposal of the petitioner by correcting the pay scale, if there is any illegality in the same, for granting the pension to the petitioner as per the post which she was holding at the time of retirement.

4. After examining the petitioner's claim, as may be made by her by giving a fresh detailed representation with supporting documents within one month from today, respondents no.2 and 4 shall forward the same as per the petitioner's entitlement to respondent no.5 – Accountant General for revision of the pension as per the pay scale for which she is entitled. In the representation the petitioner may also claim the benefit of Pay

(3)

Commission to be given to her, which be also considered by the respondents no.2, 4 and 5.

5. Let this exercise be completed by respondents no.2, 4 and 5 within three months from the date of receipt of the representation.

6. Needless to say that in case the petitioner is found to be entitled to the revised pension on the corrected pay scale and the benefit of Pay Commission, the same be extended to her from the date of her entitlement, within three months from the date of receipt of the representation.

7. With aforesaid directions, petition is disposed of.

(N.W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)

amj