

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

Writ Petition No. 11770 of 2016

District : Aurangabad

Vitthal s/o. Digambarrao Dake,
Age : 40 years,
Occupation : Service,
Chief Officer, Municipal Council,
Vaijapur, Taluka Vaijapur,
District Aurangabad. .. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai - 32.
2. The Director,
Municipal Administration,
Varli, Mumbai - 30.
3. The Divisional Commissioner,
Aurangabad Division,
Aurangabad. .. Respondents.

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*Mr. Sham B. Patil, Advocate, for the petitioner
(Absent).*

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01 to 03.*

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 04TH JANUARY 2017

ORAL ORDER :

None appears on behalf of the petitioner.
Heard the learned Asst. Government Pleader appearing on behalf of the respondents.

02. We have perused the petition.

03. By this petition which is filed under Article 226 of the Constitution of India, the petitioner is seeking following reliefs :-

(A) This Writ Petition may please be allowed.

(B) By issuing writ of mandamus or any other appropriate writ, order directions in the like nature the respondents may kindly be directed to grant the time scale to the petitioner on completion of 12 yrs service and also direct to pay the petitioner within stipulated period.

(C) By order or directions the respondent no.3 the Divisional Commissioner, Aurangabad Division, Aurangabad, be directed to grant time scale on completion of 12 years service of the petitioner as early as possible.

(D) That, the directions may kindly be issued to respondent no.3 to decide the latest proposal dated 02.01.2016 of the petitioner and extend the benefits which accrued within stipulated period.

(E) Any other suitable and equitable order may kindly be granted in favour of petitioner.

04. Perusal of the reliefs claimed by the petitioner clearly disclose that the only relief claimed by the petitioner is for a direction directing the respondents to consider his application for grant of time scale on his completion of 12 years of service.

05. The petition, therefore, can be disposed of by directing respondent no.03 to consider the petitioner's representation for grant of time scale to the petitioner on merits and in accordance with law and if his representation is accepted, to pay appropriate salary to the petitioner. The said representation shall be decided within period of 12 (twelve) weeks after giving reasonable opportunity of hearing to the petitioner. We direct accordingly.

06. With the above directions, the Writ Petition is disposed of.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

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