

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2806 OF 2016
IN
WRIT PETITION NO.2831 OF 2015**

Dr. Smt. Jyoti Ravinderkumar Marwah ... Applicant
Vs
I. C. L. Education Society & Ors. ... Respondents

...
Mr. Zuben Morios a/w Nirav Shah a/w Aditya Singh i/b. Little & Co.
for Applicant.
Mr. P. M. Palshikar for respondent No.3.
Mr. A. G. Kothari for respondent nos. 1, 2, 6 & 7.
Ms. R. M. Shinde, AGP for State.

**CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.
DATE : 15th MARCH, 2017**

PC. :

. Through this petition filed under Article 226 of the Constitution of India the petitioner is claiming for the following reliefs.

B) That this Hon'ble Court be pleased to issue Writ of mandamus or any other writ of such nature or order or directives be issued thereby directing the Respondents to allow the Representation/Letter dated 18th February

2015, 20th February 2015 and 28th February 2015 as well as earlier representation with respect to the grievances of the petitioner made by the Petitioner herein.

- C) That this Hon'ble Court be pleased to issue the Writ of mandamus or any other writ of such nature or order or directives be issued thereby directing the Respondents herein to forward the papers to Respondent no. 5 for consequential increments as per Vith Pay Commission applicable to the post held by the Petitioner herein along with the difference from the date of applicability of the VIth Pay Commission.*
- D) That this Hon'ble Court be pleased to issue the Writ of mandamus or any other writ of such nature or order or directives be issued thereby directing the Respondents to the Respondents herein to grant and approve the Professorship as per rules and procedure thereby declaring the Petitioner herein as eligible and entitled for the dame and furthermore appoint the Petitioner herein on the post of I/C Principal of the Respondent no. 1 College by declaring the appointment of the Respondent no. 6 as null and void.*
- E) That this Hon'ble Court be pleased to issue the Writ of mandamus or any other writ of such nature or order or directives be issued thereby directing the Respondents to consider and approve the Career Advancement file for 'Professor in Stage 5' for the Petitioner be forwarded to the University for scrutiny without any delay as the Petitioner fulfils all the requirements and is due to retire in November 2015.*
- F) Pending the hearing and disposal of the present Writ Petition this Hon'ble Court may be pleased to direct the Respondents to allow the Representation/Letter dated*

18th February 2015, 20th February 2015 and 28th February 2015 as well as earlier representations with respect to the grievances of the Petitioner issued by the Petitioner herein and forward the papers to respondent no. 5 for consequential increments as per VIth Pay Commission applicable to the post held by the Petitioner herein along with the difference from the date of applicability of the VIth Pay Commission or in the alternative hear and decide the Representation issued by the Petitioner herein at the earliest.

33F1) That this Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of mandamus directing the Respondent No. 1 to forward the correct details / relevant documents of the Petitioner to Respondent No. 5 under the VIth Pay Commission and to enable release of the pension amount, gratuity and commutation amount as per the VIth Pay Commission to the Petitioner.

33F2) That pending the hearing and final disposal of the present Writ Petition, without prejudice to the rights and contentions of the parties direct the Respondent No. 1 to forward the correct details / relevant documents of the Petitioner to Respondent No. 5, who shall not demand any undertaking concerning non-pending of legal proceedings, under the VIth Pay Commission to enable release of the pension amount, gratuity and commutation amount as per the VIth Pay Commission to the Petitioner.

2. On going through the aforesaid prayer clauses, it appears that petitioner seeking direction from respondent to allow the

representation submitted by the petitioner in regard to the reliefs claimed in the Writ Petition. According to the petitioner she is entitled for VIth increment as per VIth Pay commission applicable to the post held by her, step up her pay and Career Advancement for 'Professor in stage 5'. According to the petitioner her pension papers have not been forwarded by the respondent nos. 1 and 2 to respondent no. 5.

3. Keeping in view the aforesaid prayers, we are inclined to dispose of this petition by directing the respondent no. 5—Joint Director, to examine the petitioners claim in regard to pension gratuity and commutation as well as the aforesaid described prayers and taking appropriate decision in regard to the prayers made by her. The petitioner as also the representatives of respondent nos. 1 and 2 to appear before the Joint Director with relevant papers. The petitioner may file detailed representation setting up all the claims and it be submitted before the respondent no. 5 on or before 5th April 2017. The petitioner and respondent nos. 1 and 2 to appear before the respondent no. 5 on 5th April 2017 at 11.00 am. The

respondent no. 5 on that date or on any other date, as may be fixed by him within two weeks thereafter shall after giving due opportunity of hearing to the petitioner and to the representative of respondent nos. 1 and 2, shall take appropriate decision in accordance with law as aforesaid, by passing a speaking order within two months from the date of hearing of the matter. The respondent nos. 1 and 2 may also file their say in the matter on or before 5th April 2017.

4. All contentions of the parties are kept open.

5. The petition is disposed of.

(PRAKASH D. NAIK, J)

(SHANTANU S. KEMKAR, J.)