

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 627/2017.

Walmik Dhanraj Rathod and others.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : FEBRUARY 28, 2017.

Heard Shri A.I. Sheikh, learned Counsel
for the petitioners and Shri N. Rao, learned A.G.P. for
respondents.

2. Petitioners claiming to be employees of
private aided ashram school seek a declaration of their
entitlement to Assured Career Promotion Scheme
(ACP), or Time Bound Promotion Scheme;
consequential placement in higher pay scale and a
direction to release arrears accordingly.

3. Learned A.G.P. appearing for respondents

2

points out that today is the first day after notice was issued by this Court. He is still awaiting instructions.

4. Learned counsel for petitioners invites our attention to judgment in Writ Petition No. 2358/2013 and other connected matters delivered at Bombay on 21.09.2013 and later judgment in Writ Petition No. 4951/2016 dated 20.09.2016 and orders in Writ Petition No. 1906/2016 dated 05.12.2016, at Nagpur to submit that the issue is squarely covered in favour of petitioners.

5. This Court has on 01.02.2017 issued notice for final disposal. Necessary facts need to be investigated into to find out the entitlement of petitioners to benefits of ACP Scheme. Unless and until that exercise is undertaken, no direction can be issued, as sought for.

6. We find that in earlier order, this Court has accordingly directed respondent to scrutinize the case of each petitioner to find out their eligibility and thereafter to proceed further in the matter.

7. Accordingly, in present matter also we direct the petitioners or their respective management to prepare necessary proposals and to submit the same

3

to the office of respondent no.3 within a period of four weeks from today. After receipt of such proposal, respondent no.3 or other competent Authority, shall evaluate the same in accordance with law to find out correctness of the exercise undertaken and also eligibility/entitlement of respective petitioner to the said benefits. This exercise shall be completed in next three months.

8. Amount if any found due and payable shall be released to respective petitioners in next three months, thereafter. Acceptance of that amount shall not preclude the petitioners from challenging the correctness of exercise undertaken. Writ Petition is, partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.