

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

46 WRIT PETITION NO. 1415 OF 2015

PATHAN NAHEDABEE KARIM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Talhar Ajay G.
AGP for Respondent Nos 1 to 4 : Mr. S.G. Karlekar
Advocate for Respondent No. 6 : Mr. V.D. Gunale

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CORAM : S.V. GANGAPURWALA
AND
SUNIL K. KOTWAL, JJ.

DATE : JULY 5, 2018

O R D E R :

Learned counsel submits that the pay scale has not been fixed considering the service of the petitioner since the year 1989, however, the respondents have considered the pay scale as if the petitioner is appointed on 3.10.2012.

2. According to the respondents, the petitioner has joined with respondent no.5 in October, 2012.

3. The petitioner was directed to be absorbed in service with continuity under judgment and order, dated 4.8.2005, passed by the School tribunal. The back wages

were not awarded.

4. For all purposes, the service of the petitioner shall be counted from 1989 for fixing his pay scale. Respondent nos. 5 and 6 shall submit the proposal with regard to fixation of pay scale considering the service of the petitioner from 1989. Of course, the petitioner will not be entitled for actual payment of salary till the date of his absorption. However, the service from 1989 shall be counted notionally for fixing the pay scale. The proposal shall be submitted by respondent nos. 5 and 6 within two months from today. On receipt of the said proposal, the Education Officer shall take decision upon it expeditiously, preferably within four months.

5. Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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