

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

WRIT PETITION NO. 2335 OF 2016

1. Shila Dattoba Maske
Age: 59 years, Occu.: Retired,
R/o Panchayat Samiti Niwas,
No. 7/1, Tuljapur, Tq. Tuljapur,
Dist. Osmanabad.
2. Hameed Mehtab Mujawar
Age: 59 years, Occu.: Retired,
R/o Gurum, Tq. Omerga,
Dist. Osmanabad.
3. Madhav Shankar Mane
Age: 59 years, Occu.: Retired,
R/o Bhut Mugali, Tq. Nilanga,
Dist. Osmanabad.
4. Panchappa Laxman Birajdar
Age: 59 years, Occu.: Retired,
R/o Balaji Nagar, Omerga,
Tq. Omerga, Dist. Osmanabad.

..PETITIONERS

VERSUS

1. State of Maharashtra
Through the Secretary
Rural Development and Water
Conservation Department,
Maharashtra State, Mantralaya, Mumbai-32.
2. The Chief Executive Officer
Zilla Parishad, Osmanabad,
Dist. Osmanabad.
3. The Executive Engineer (Construction),
Zilla Parishad, Osmanabad,
Dist. Osmanabad.

4. The Account Officer,
Zilla Parishad, Osmanabad,
Dist. Osmanabad.

..RESPONDENTS

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Mr. R.P. Bhumkar, Advocate for petitioners.
Mr. S.P. Sonpawale, A.G.P. for respondent no.1 – State.
Mr. S.V. Deshmukh, Advocate for respondent nos. 2 to 4.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATED : 22nd OCTOBER, 2018**

JUDGMENT (Per : S.V. GANGAPURWALA, J.) :

Rule, made returnable forthwith. Heard finally by consent of the parties.

2. The petitioners assail the letter dated 18th February, 2016 alongwith decision dated 15th February, 2016, whereby the benefit of second time bound promotion is withdrawn and the salary of the petitioner is re-fixed. All the petitioners have retired. The petitioners were granted benefit of time bound promotional pay scale vide Government Resolution dated 20th May, 1999. It is the contention of the petitioners that they are entitled for the benefit of time bound pay scale after completion of 12 years' service and also for pay scale of Rs.5500-9000 after completion of 45 years of age. The subsequent circular dated 28th July, 2014 would not apply to them. The learned Counsel further submits that in the case of similarly situated

employees, this Court has allowed writ petition no. 9279 of 2016 vide order dated 30th November, 2017.

3. Mr. Deshmukh, the learned Counsel for respondent nos. 2 to 4 submits that the services of the petitioners will be required to be counted from the date of their appointment as Civil Engineer Assistants. They entered into the cadre of Civil Engineer Assistants in the year 2006 and 2008 and prior to completion of 12 years, they retired. As such, the circular dated 28th July, 2014 is rightly applied. The respondents have not claimed any recovery from the petitioner and only salary is fixed as per circular dated 28th July, 2014.

4. We have considered the submissions. It appears that the petitioners were granted time bound promotional pay scale under order dated 28th August, 2006. All the petitioners have completed 45 years of age in the year 2002. The chart showing the details is as under :-

Sr.No	Name of Petitioner	Date of First Appointment	Date of completed 12 years of services	Date of completed 45 years of age
1.	Smt. Shila Maske	01/04/1984 (Mistry)	01/04/1996	09/05/2002
2.	Hameed Mujawar	01/04/1984 (Mistry)	01/04/1996	04/02/2002
3.	Madev Mane	05/06/1985 (Mistry)	05/06/1997	10/03/2002
4.	Panchappa Birajdar	01/04/1984 (Mistry)	01/04/1996	18/07/2002

5. Prior to circular dated 28th July, 2014, the petitioners were accorded benefit of time bound pay scale. This Court had also considered the said aspect in Writ Petition no. 9279 of 2016 vide order dated 30th November, 2017. The petitioners in the said writ petition were also the employees of Zilla Parishad, Osmanabad. Considering the above, the writ petition is allowed. Impugned order is quashed and set aside. The petitioners shall be given benefit accordingly. Rule is made absolute. No costs.

(R.G. AVACHAT, J.)
SSD

(S.V. GANGAPURWALA, J.)