

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

48 WRIT PETITION NO. 3618 OF 2018
WITH WP/3389/2018 WITH WP/3465/2018

MOHD SHAFIUZZAMA SHAMSHUZZAMA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Irale Patil D.R.
AGP for Respondents 1 and 2 : Mr. K.N.Lokhande
Advocate for Respondent no.3 : Mr. Bondar U.B.

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

DATE : JUNE 27, 2018

O R D E R :

Rule. Rule returnable forthwith. With the consent of learned counsel for the respective, the petitions are taken for final hearing. Heard learned counsel for the respective parties.

1. The petitioners herein are working as Sectional Engineers. Time Bound promotional pay scale was awarded to them, however, by the impugned communication, the same has been withdrawn. The said communication/circular is assailed in the present writ petitions.

2. Mr. Patil, the learned counsel for the petitioners states that all these petitioners are similarly situated like the petitioner in Writ Petition No. 1836 of 2009, decided on 21st October, 2016. The petitioners are working in the same department and on the same posts in Zilla Paqrishads at Dhule, Nandurbar, Aurangabad and Beed.

3. It is submitted that benefit of time bound promotional pay scale is already accorded to Dongar s/o Damu Koli who has filed writ petition No. 1836 of 2009. The said benefit was accorded by the Executive Engineer, Minor Irrigation Department, Zilla Parishad, Dhule under order dated 17.05.2017 giving revised pensionary benefits to the petitioner Dongar Damu Koli. On the basis of said benefits given to the petitioner in Writ Petition No. 1836/2009, the said writ petition was disposed of. Learned AGP and learned counsel for the respective Zilla Parishads do not dispute it.

4. It is accepted by the learned counsel for the parties that the petitioners in all these petitions are similarly situated

like the petitioner in Writ Petition No.1836/2009 to whom the revised pensionary benefits were already accorded by the respondent. In the light of that the petitioners herein would be entitled for the same benefits. The writ petitions are accordingly disposed of by quashing the impugned communication and directing the respondents to accord the same benefits to the petitioners as accorded to Dongar Damu Koli in Writ petition No.1836/2009. Same be done expeditiously, preferably within six months from today.

5. Rule is accordingly made absolute. No costs.

[**SUNIL K.KOTWAL, J.**]

[**S.V.GANGAPURWALA, J.**]

dbm