

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

WRIT PETITION NO. 5451 OF 2014

**TUKARAM VYANKATRAO DHUMALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. M.V. Salunke, Advocate h/f Mr.V.P. Salunke,
Advocate for the petitioner
Mr. N.T. Bhagat, AGP for the respondent/State
Mr.P.R. Tandale, Advocate for respondent No.3.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 03.09.2018**

P.C. :-

Mr.Salunke, learned counsel for the petitioner submits that, the petitioner is appointed as a Medical Social Worker with respondent No.4 on 15.06.1999 on an approved post. The appointment of the petitioner is also approved by the office of the respondent. As per Government Resolution dated 20.11.1995 the petitioner is entitled for the pay-scale 1400-2600. The petitioner is also granted approval. However, the appointment order and the approval order states that the petitioner is entitled for honorarium of Rs.200/- per month. Since 2001 the request is made for granting pay-scale to the petitioner, but to no avail. The post is approved as the full time post. The petitioner be given pay-scale of 1400-2600.

2. Mr. Tandale, learned counsel for respondent No. 3 submits that the petitioner is appointed on honorarium

of Rs.200/- per month with an understanding that the post is honorarium post. The office of respondent No.3 sought guidance from the office of respondent No.2. The office of respondent No.2 informed respondent No.3 under letter dated 25.04.2014 that the post of Medical Social Worker is sanctioned on the basis of honorarium of Rs. 200/-. According to the Government Resolution dated 18.08.2004, the said post is not sanctioned / approved post.

3. Learned AGP submits that the approval has been granted to the petitioner on honorarium of Rs.200/-.

4. Mr. Salunke, learned counsel submits that the Medical Social Worker of other handicap school is paid in pay-scale of 1400-2600.

5. Considering the anomalous position, we had asked the learned AGP to take instructions from the Commissioner (Handicapped) about the applicable pay-scale to the petitioner. The learned AGP has placed before us the communication received to him from the Commissioner handicapped. The same is taken on record and marked "X" for identification. The said communication clearly states that the Medical Social Officer would be entitled for the pay-scale of 1400-2600 if appointed prior to the Government Resolution dated 18.08.2004. The petitioner is appointed in the year 1999. For 50 students the post of Medical Social Welfare is available as a full time post and if the students are less than 50, the same is a part time post. The

petitioner claims that the students in the school of respondent No.4 are 60.

6. Considering the clarification given by the Commissioner, Handicapped the petitioner would be entitled for the pay-scale of 1400-2600. The respondent shall as such sanction the pay-scale to the petitioner as 1400-2600. The same be done expeditiously, preferably within four months.

7. Writ Petition is disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V. GANGAPURWALA, J.]