

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.435 OF 2018

Shri Datta Ganesh Deshkar,
Age-78 years, Occu:Retired Lecturer,
R/o-Mirabel, Near Puncand Clubs, Pune.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Secretary, Education Department,
Mantralaya, Mumbai-32,
- 2) The Director of Higher Education,
Maharashtra State, Pune,
- 3) The Accountant General (A & E-II),
Maharashtra, Nagpur, Dist-Nagpur,
- 4) The Registrar,
Dr. Babasaheb Ambedkar
Marathwada University,
University Campus, Aurangabad,
- 5) The Principal,
Dr. Babasaheb Ambedkar College
of Arts and Commerce, Aurangabad.

...RESPONDENTS

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Mr.D.V. Soman Advocate for Petitioner.
Mr.P.K. Lakhotiya, A.G.P. for Respondent
Nos. 1 to 3.
Respondent Nos.4 and 5 served.

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**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE OF RESERVING JUDGMENT : 14TH FEBRUARY, 2018

DATE OF PRONOUNCING JUDGMENT: 20TH FEBRUARY, 2018

JUDGMENT [PER S.S. SHINDE, J.] :

1. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. This Petition under Article 226 of the Constitution of India, is filed with following substantive prayer:

"B] The respondents, particularly, respondent No.3 - Accountant General, A & E Nagpur, may kindly be directed to treat the case of the petitioner and grant him pension of Rs.7470/- w.e.f. 1.1.1996 taking into consideration the minimum pay of Rs.14940/-, as on 1.1.1996, in the pay scale of Rs.1200-420-18300, and pay all

arrears to that effect, along with interest w.e.f. 1.1.1996."

3. It is the case of the Petitioner that he was working as lecturer in selection grade with Respondent No.4 College. The Petitioner retired as lecturer in selection grade with effect from 11th July, 1993. The Petitioner served in the said grade for more than eight years. It is submitted that the Government of Maharashtra issued a Resolution No.NGC1298/(4691)/UNI-4 dated 11th December, 1999, thereby implementing a new pay-scale of Rs.12,000-420-18300 as against the old pay-scale of Rs.3700-125-4950-150-5760. The said pay-scale came into effect from 1st January, 1996. As per the said Resolution, the said pay-scale was to be made applicable to the lecturers in Selection Grade, who have completed five years in the selection grade as per the UGC Norms. It is submitted that as the Petitioner has completed more than eight years as Lecturer in selection

grade, his basic salary should have been fixed at Rs.14940/- on 1st January, 1996 and his basic pension should have been fixed at Rs.7470/- on 1st January, 1996. It is submitted that the Petitioner has made several representations to various authorities, but his case has not been considered for the revised pay-scale. Hence this Petition.

4. Learned counsel appearing for the Petitioner and learned A.G.P. appearing for the State jointly submit that the issue raised in this Petition is no longer res-integra and the same is covered by the two Judgments of this Court in Writ Petition No.8679 of 2012 and other connected Petitions (Tukaram Shankarrao Kulkarni vs. the State of Maharashtra) decided on 18th October, 2013, and Writ Petition Nos.2630 of 2010 and 2957 of 2010 (Chandrakant Janardan Dangre vs. the State of Maharashtra and others) decided on 1st August, 2012.

5. In the similar fact situation, the Division Bench of this Court (CORAM: S.S. SHINDE AND P.R. BORA, JJ.) in Writ Petition No.10365 of 2015 (Kamal Vasant Muley vs. the state of Maharashtra and others), on 23rd December, 2015, while partly allowing the said Petition, in Para 3 of the order, observed as under:

"3) Accordingly, we follow the said judgment dated 1.8.2012 in WP No.2630/2010 and WP 2957/2010 and direct the respondents to fix the petitioners at minimum of Rs.14,940/- as on 1.1.1996, if they had completed 5 years of service in Selection Grade as Lecturer, before their superannuation. Necessary exercise in this respect should be completed within a period of FOUR MONTHS from today. Arrears becoming applicable to respective petitioners shall then be released within further period of three months."

6. Taking the same view and for the same reasons as stated in the order dated 23rd December, 2015 passed in Writ Petition No.10365 of

2015, referred above, we pass following order:

O R D E R

(I) The Respondents are directed to fix the Petitioner at minimum of Rs.14,940/- as on 1st January, 1996, if he had completed five years service in Selection Grade as Lecturer before his superannuation.

(II) Necessary exercise in this respect should be completed within a period of FOUR MONTHS from today. Arrears payable to the Petitioner shall then be released within further period of THREE MONTHS.

(III) Rule is made absolute in above terms. The Writ Petition stands disposed of, accordingly.

[S.M. GAVHANE, J.]

[S.S. SHINDE, J.]