

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

WRIT PETITION NO. 7431 OF 2018

Bharat Kumudchandra Durugkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. D. R. Irale Patil, Advocate for Petitioner.

Shri. N. T. Bhagat, A.G.P. for Respondent Nos. 1 and 2.

Shri. S. B. Ghute, Advocate for Respondent No. 3.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.
DATED : 10th July, 2018**

PER COURT:

. Issue notice to respondents. The learned A.G.P. waives notice for Respondent Nos. 1 and 2. Mr. Kute, learner counsel waives notice for Respondent No. 3.

2. The petitioner herein is working as Sectional Engineer. Time Bound promotional pay scale was awarded to him, however, by the

impugned communication, the same has been withdrawn. The said communication/circular is assailed in the present writ petition.

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

4. 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.

5. It is accepted by the learned counsel for the parties that the petitioner in this petition is 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 petitioner herein would be entitled for the same benefits. The writ petition is accordingly disposed of by quashing the impugned communication and directing the respondents to accord the same benefits to the petitioner as accorded to Dongar Damu Koli in Writ petition No.1836/2009. Same be done expeditiously, preferably within six months from today.

6. Rule is accordingly made absolute. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 7431.18