

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7245 OF 2007

Harising Tanasing Rajpur,
Age 59 Years, Occ. Retired,
Resident of Hira Bhavan,
Kharakuwan, Aurangabad

PETITIONER

V E R S U S

1] The State of Maharashtra,
Through Secretary, Higher &
Technical Education Employment
Department, Mantralaya, Vistar
Bhavan, Mumbai – 400 032

RESPONDENTS

2] The Deputy Director of
Higher Education, Aurangabad
Division, Aurangabad

3] The Registrar, Dr. Baba Saheb
Ambedkar Marathwada University,
Aurangabad

Mrs. A.N. Ansari, Advocate for the Petitioner
Mr. R.V. Dasalkar, A.G.P. for Respondent
Nos.1 and 2
Mr. K.M. Suryawanshi, Advocate for Respondent
No.3

**CORAM : T.V. NALWADE AND
K.L. WADANE, JJ.**

DATE : 5th March, 2018

ORAL JUDGMENT [PER T.V. NALAWADE, J.] :

This Writ Petition is filed under Articles 14 and 226 of the Constitution of India for issuance of directions to the respondents to see that the pay-scale given to the Junior Assistant is given to the petitioner also.

2. Rule.

3. With the consent of the parties, petition is taken up for final hearing.

4. Both sides are heard.

5. The submissions made and record show that, in the past, the petitioner had approached this Court by filing Writ Petition No. 1746 of 1997 [Harisingh Tanasingh Rajput Vs. The State of Maharashtra and others]. This Court, by decision dated 25th June, 1997 held that the petitioner was working in Class-III post and his pay scale was fixed as Rs.950-20-1150-EB-25-

1500. In the past, the pay scale of Class-III post was Rs.260-495 [before Fourth pay commission]. Thus, at the entry level, the pay-scale given to the present petitioner was at Class-III employee and so this Court held that the petitioner is entitled to get pay-scale like Rs.950-20-1150-EB-25-1500 and the said decision has become final.

6. It appears that, subsequently the respondent-State changed the scale of Junior Assistants other than the present petitioner to make it 975-1660. The present petitioner made the representation to the University to grant him the same pay scale. The University recommended for grant of such scale to the petitioner. The State Government rejected the said proposal.

7. This Court has already considered the contention of equivalence post and entitlement of pay-scale while deciding Writ Petition No.1746 of 1997 and that decision has become final and that point cannot be considered again. It can be said that, due

to the said decision, till the retirement date of the present petitioner, he will be treated as employee of Class-III post and, therefore, he will be entitled to get the pay-scale implemented for Class-III post [Junior Assistant].

8. In view of the above observations, this petition needs to be allowed.

O R D E R

a] Writ Petition is allowed in terms of Prayer Clauses 'C' and 'D'.

B] The respondents to comply this order within six months from today.

Rule made absolute in above terms.

(K.L. WADANE, J.)

(T.V. NALAWADE, J.)

