

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

16 WRIT PETITION NO. 9265 OF 2016

SURYAKANT SHRIRAM NALWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTR AND OTHERS ..RESPONDENTS

...

Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. A. V. Deshmukh, AGP for Respondents-State.

Mr. Nilkant D. Batale h/f. Mr. Sharad V. Natu,
Advocates for Respondent No.3.

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

DATED : 18th JULY, 2018.

PER COURT:-

1. The petitioner assails the order re-fixing the pay after his retirement.

2. Mr. Thombre, learned counsel submits that the petitioner was appointed as a Lecturer on 16.08.1982. His services were approved by the then Marathwada University, Aurangabad. On completion of 8 years, the petitioner is entitled for senior grade in the year 1990 and after completion of further 8 years, the petitioner is entitled for selection grade. According to the learned counsel, though, the petitioner was notionally given increments upto 1993, however, it is implemented

and actual benefit is given to the petitioner from 27.07.1998 and under the impugned order also it is clarified that the petitioner is entitled for the benefit from 27.07.1998. According to the learned counsel, no error was committed while fixing pay of the petitioner as depicted in the service book.

3. The learned A.G.P. submits that it is only after completion of 11 years under the CAS the petitioner would be entitled for the benefit of selection grade. The authorities have rightly considered the said aspects and have passed the order.

4. The copy of the service book is placed on record (page 31 and 32), where the pay fixation has been verified and found correct on 02.02.2015. As per the narration of the pay fixation done in the service book, it appears that the increment is implemented with effect from 27.07.1998 and prior to that notional increment is shown.

5. Even, as per the impugned order, the pay scale, which the petitioner would be entitled to is not specified. The impugned order does not specify the pay scale which according to the impugned order the petitioner would be entitled to and the pay scale awarded to the petitioner earlier. It also appears that prior to the pay fixation being done, pursuant to the impugned order, the petitioner was not given any notice.

6. In light of the above, the impugned order is quashed and set aside. In case, the respondents feel that the pay fixation in case of the petitioner is wrongly done, then they may issue notice to the petitioner seeking explanation from petitioner with regard to the pay scale and then take decision considering the explanation given by the petitioner.

7. The writ petition accordingly allowed in above terms. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE