

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

WRIT PETITION NO.11199 OF 2017

Namdeo Devidas Sangole.

Petitioner.

Versus

The State of Maharashtra and others

Respondents.

Mr. N.L. Jadhav, Advocate for the petitioner.

Mr. S.G. Karlekar, A.G.P. for the State.

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

Dated : **9th July, 2018.**

PER COURT :-

1. The petitioner claims time bound promotional pay-scale.

2. Mr. Jadhav, learned Counsel for the petitioner submits that the petitioner was appointed as a Mistri Grade-I in the year 1999. Thereafter he was absorbed on the post of Civil Engineer Assistant on 08.02.2007. The petitioner was exempted from passing departmental examination on 11.05.2015. On completion of 12 years, the petitioner is entitled for the pay-scale of Junior Engineer and the same is not awarded. In one of the meeting the majority of

the members took decision that the petitioner is entitled for time bound benefit, however, as one of member did not agree, the benefit was declined.

3. Learned Counsel relies on the judgment of this Court in Writ Petition No.5511 of 2013 dated 16.02.2016 and another judgment of this Court dated 07.12.2017 in Writ Petition No.6572 of 2016.

4. Mr. Karlekar, learned A.G.P. submits that the petitioner would be entitled for the benefit of time bound pay-scale only after completion of 12 years the petitioner passes the departmental examination or is granted exemption. The said aspect is rightly considered.

5. We have considered the submissions canvassed by learned Counsel for the parties.

6. The factual matrix that the petitioner was appointed in the year 1999 as a Mistri Grade-I and thereafter all the posts were subsumed and merged into one that of Civil Engineering Assistant, is not disputed. The petitioner was absorbed as Civil Engineering Assistant on 08.02.2007. The petitioner has been exempted from passing departmental examination for the post of Junior Engineer w.e.f. 11.05.2015. Considering the judgments of this Court in Writ Petition No.6572 of 2016 and Writ Petition No. 5511 of 2013, the

petitioner would be entitled for time bound promotional pay-scale of Junior Engineer on the date the petitioner completes 12 years of service or is granted exemption from passing departmental examination, whichever is later. The petitioner completes 12 years in the year 2011, whereas the petitioner has got exemption from passing departmental examination on 11.05.2015. In view of that, the petitioner would be eligible for the time bound promotional pay-scale on and from 11.05.2015. The petitioner shall be paid the salary of the next higher post w.e.f. 11.05.2015. The same shall be done expeditiously and preferably within three (03) months.

7. Writ Petition is accordingly disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/