

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

WRIT PETITION NO. 8718 OF 2014

Akhil Marathwada Zilla Parishad .. Petitioner
Kamgar Union,

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Avishkar S. Shelke, Advocate for the petitioner.
Mr. P.M. Kulkarni, AGP for respondent Nos. 1 to 3.

**CORAM : SUNIL P. DESHMUKH &
S.M.GAVHANE, JJ.**

DATED : 12.12.2018

ORDER : [PER:S.M. GAVHANE, J.] :-

1. By this petition, the petitioner has claimed following substantive reliefs:-

“B] By issuing writ of mandamus or any other writ, order or direction in the like nature, the respondents be directed to extend the benefits of Revised Career Advancement Scheme as per Government Resolution dated 01.04.2010 and 05.07.2010 to the backward class CRT employees working under the establishment of respondent No.4 Zilla Parishad on account of completion of 24 years of service.

D) By issuing of writ of Mandamus or any other writ, order or direction in the like nature, it be held and declared that, the requirement of

Caste Validity Certificate for seeking the benefit of Revised Career Advancement Scheme as per Government Resolution dated 01.04.2010 and 05.07.2010 is illegal and unwarranted for the employees who are brought on CRT Establishment as per Government Resolution dated 10.07.1974.

E) By issuing writ of Mandamus or any other writ, order or direction in the like nature, the respondent no.1 be directed to take a decision on the letter dated 02.12.2013 (Exh. "M") addressed by the respondent No.4 to the respondent No.1."

2. Mr. Shelke, learned Counsel appearing for the petitioner submitted that the petitioner – union is representing and defending the cause of daily rated / work charged employees working under the Zilla Parishad establishments within Marathwada region. Number of such employees working under the establishment of the Zilla Parishad, Nanded i.e. respondent No.4 have been brought on Converted Regular Temporary (CRT) Establishment as per the Government Resolution dated 10.07.1974 and accordingly respondent No.4 issued orders dated 27.02.1981, 27.03.1981, 23.06.1987, 19.05.1990 and 30.04.1991. Therefore, the employees working under the

establishment of respondent No.4 are entitled to benefit of Revised Career Advancement Scheme as per the Government Resolutions dated 01.04.2010 and 05.07.2010 to the backward class CRT employees on account of completion of 24 years service. Respondent No.4 has sought guidance from the Chief Secretary of General Administration Department vide letter dated 02.12.2013. However, there is no response from the State Government. It is submitted that similarly situated employees working on CRT establishment under the Public Works Department, Nanded have been extended benefit of the Government Resolutions dated 01.04.2010 and 05.07.2010 and only in case of employees under the Zilla Parishad, the respondent-authorities are insisting for the caste validity certificates. Said approach of the respondents is discriminatory and is in violation of Articles 14,15 and 16 of the Constitution of India.

3. Learned Counsel appearing for the petitioner further submitted that in reply-affidavit submitted on

behalf of respondent No.3 i.e. the Principal Secretary, Rural Development and Water Conservation Department in Para 10, in reply to para 29 of the petition, it is submitted on behalf of respondent No.3 that as per opinion given by the General Administration Department, Caste Validity Certificate cannot be made compulsory for extending the second benefit under the Assured Progress Scheme and therefore in the light of said say of respondent no.3, the relief claimed by the petitioner in terms of prayer clause (B) in para 29 of the petition can be considered and rest of the substantive reliefs need not be considered.

4. Learned AGP Mr.Kulkarni appearing for respondent Nos.1 to 3 submitted that there is no dispute about the aforementioned opinion given by the General Administration Department, referred in the reply-affidavit filed by respondent No.3 and pointed out by learned Counsel for the petitioner.

5. Considering the submissions made by the learned Counsel for the petitioner, the learned AGP and the fact that as per the opinion given by the General Administration Department, the Caste Validity Certificate cannot be made compulsory for extending second benefit under the Assured Progress Scheme, we hold that benefit of Revised Career Advancement Scheme as per the Government Resolutions dated 01.04.2010 and 05.07.2010, to the Backward Class CRT employees working under respondent No.4 can be extended in terms of prayer clause (B) in the petition.

6. Therefore, the writ petition is allowed in terms of prayer clause (B). No costs.

[S . M . GAVHANE , J .]

[SUNIL P . DESHMUKH , J .]