

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

WRIT PETITION NO. 12370 OF 2017

Dr. Pralhad Ramappa Shivpuje
Age : 68 years, Occu. Retired,
R/o. 'Saru', H. No. 365, Shivram Nagar,
Near Old RTO, Wasmata Road,
Parbhani.

... Petitioner

VERSUS

1. The State of Maharashtra
Through the Secretary,
Agriculture Animal Husbandry,
Dairy Development and Fisheries,
Department, Mantralaya, Annexe,
Mumbai.
2. The State of Maharashtra,
Through the Secretary,
Finance Department,
Mantralaya, Mumbai.
3. Vasantrao Naik Marathwada,
Agricultural University, Parbhani,
Through its Vice-Chancellor,
Parbhani.
4. The Director General
Indian Council of Agricultural Research,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi.

... Respondents

.....
Mr V. C. Solshe, Advocate for the petitioner
Mr A. S. Shinde, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 20TH FEBRUARY, 2018.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :

1] Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Mr. Solshe, learned counsel submits that vide Government Resolution dated 11th December, 1999, the Government took a decision to award revised pay scale and also increments towards the Career Advance Scheme ("CAS" for short) benefit would be given to the teachers who had secured Ph.D. degrees. According to learned counsel, as per the said Government Resolution, the effective date of implementation was 1st January, 1996, for those who had acquired Ph.D. degrees earlier to the said date and those who acquired subsequently, it would be from the date they acquired Ph.D. degree. Learned counsel submits that the petitioner has superannuated and he has acquired Ph.D. degree prior to 1.1.1996, still, the benefit of career advancement scheme is not given to him.

3] Learned counsel submits that even the Secretary, University Grants Commission, vide its letter dated February 15/23, 2000, has in unequivocal terms stated that the benefit of two advance increments in lieu of Ph.D. degree is available to the teachers who

have acquired Ph.D. degree on or before 1.1.1996. Advance increments are part of revised pay scales and same shall be applicable w.e.f. 1.1.1996.

4] Mr. Shinde, learned AGP submits that the Under Secretary, UGC has recommended and clarified that benefit of two increments to those who have acquired Ph.D. degree on or before the cut of date, will be entitled for the advance increments from 27.7.1998. In the light of that, the petitioner who has completed Ph.D. degree prior to 1.1.1996 will be entitled to benefit of CAS, only from 27.7.1998.

5] There does not appear to be dispute between the parties that the CAS i.e. benefit of 2 increments is available to the petitioner, who has retired on attaining age of superannuation and that he has completed his Ph.D. degree prior to 1.1.1996. In the light of the said fact, the only dispute is with regard to the date of applicability of the said Government Resolution.

6] This court in various matters, such as W.P. No. 1084 of 2003, vide order dated 1.7.2005, has held that the teachers are entitled for two advance increments w.e.f. 1.1.1996. Said judgment is passed by the Division Bench relying on the judgment of the Kerala High Court.

7] Even the Government Resolution dated 11th December, 1999, which makes the scheme applicable specifically lays down that the revised scales of pay will be implemented w.e.f. 1.1.1996. Even the letter dated 15/23rd February, 2000, states that the advance increments are part of revised pay scales and same would be applicable w.e.f. 1.1.1996.

8] Considering all the aforesaid aspects of the matter, the teachers who have acquired Ph.D. prior to 1.1.1996, will be entitled for benefit of two advance increments towards career advancement scheme w.e.f. 1.1.1996.

9] In the light of the above, we pass the following order :-

[a] The petitioner who has completed his Ph.D. Degree prior to 1.1.1996 shall be given benefit of two increments of Rs.420/-. The respondent shall make the payment of the said benefit of two increments of Rs.420/- w.e.f. 1.1.1996 to the petitioner with all consequential benefits, expeditiously.

[b] Rule made absolute in above terms. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE