

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5467 OF 2016

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| 1. | Sudhakar Namdeo Mahajan |) | |
| | Occupation : Service, |) | |
| | R/o. Swami Bungalow, Bhausahab Hire Nagar, |) | |
| | Old Sub Station Road, Malegaon Camp, |) | |
| | Malegaon, Tq. Malegaon, Dist. Nashik. |) | |
| 2. | Ramesh s/o. Uttamrao Patil |) | |
| | Occupation : Service, |) | |
| | Suprakash, Saptashruni Colony, |) | |
| | Survey No.56/1, Malegaon Camp, |) | |
| | Malegaon, Tq. Malegaon, Dist. Nashik. |)... | Petitioners |

Vs.

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|----|---|-------|-------------|
| 1. | The State of Maharashtra |) | |
| | Through Secretary, Education Department, |) | |
| | Mantralaya, Mumbai-32. |) | |
| 2. | The Deputy Director of Education, |) | |
| | Nashik Division, Nashik |) | |
| 3. | The Education Officer (Primary), |) | |
| | Zilla Parishad, Nashik |) | |
| 4. | The Accounts Officer (Senior Auditor) |) | |
| | Education Department, Nashik |) | |
| 5. | Sau. Kantaben Ratilal Shah Primary School |) | |
| | Sangameshwar, Tq. Malegaon, |) | |
| | Dist. Nashik. Through its Headmaster |) | |
| 6. | Late L. R. Kabra Prathamik Vidya Mandir, |) | |
| | Malegaon, Tq. Malegaon, Dist. Nashik |) | |
| | Through its Headmaster. |) ... | Respondents |

Mr. Sudhir I. Nandode for Petitioners.

Mr. Sandeep Babar, AGP for Respondents No.1 & 2-State.

Ms Ashwini Selukar i/b. Ms Anamika Malhotra for Respondent No.3.

Mr. Tungar, Deputy Secretary, Education Department present.

**CORAM : R. M. BORDE &
R. G. KETKAR, JJ.
DATE : JANUARY 25, 2018**

ORAL JUDGMENT (PER R. M. BORDE, J.) :

Heard.

2. Rule. With the consent of the parties, Petition is taken up for final hearing at the admission stage.

3. The petitioners are praying for issuance of directions to the respondents to consider their claim for grant of benefits under the Assured Career Progression Scheme since they have completed 24 years of service. The petitioners were appointed as Junior Clerks in the Institution operated by the respondent No.5. They have completed around 29-30 years of service as on today. Since the petitioners are holding the post, which could be categorized as an isolated post, there are no chances of promotion. In order to remove the stagnation in employment, the State Government has declared an Assured Career Progression Scheme on 20.07.2001. The petitioners contend that they have received the first benefit under the Scheme in the form of prescription of pay-scale applicable to the next promotional post on completion of 12 years of service. The petitioners contend that on completion of 24 years of service, subject to fulfillment of necessary requirements provided under the Scheme, they are entitled to claim second benefit in the form of fixation of pay in the pay-scale prescribed for next promotional post. The issue raised in the instant Petition is no more *res integra* and is covered by several judgments of this Court. The petitioners place reliance on the decisions of the Division Bench in Writ Petition No.2944 of 2016 decided on 18.03.2016 as well as Writ Petition

No.4202 of 2012 decided on 21.01.2014.

4. Considering the contentions raised by the petitioners and in view of the reasons recorded in the judgments referred to above, Writ Petition deserves to be allowed and the same is accordingly allowed. Respondents are directed to consider the claim of the petitioners for grant of second benefit under the Government Resolutions dated 01.04.2010 and 05.07.2010 on completion of 24 years of service. The decision shall have to be taken in consonance of the parameters prescribed under the relevant Government Resolution. Necessary decision shall be taken by the employer i.e. respondents No.2, 3 and 4, as expeditiously as possible, preferably within a period of 4 months from today. Respondents No.5 and 6 shall comply with the necessary requirements for facilitating the petitioners to secure the benefits. Rule is made absolute accordingly. No costs.

(R. G. KETKAR, J.)

(R. M. BORDE, J.)

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