

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6374 OF 2014

Shri.Solapur Bhimashankar

Daulappa & Ors.

...Petitioners

V/s.

The State of Maharashtra

Through Social Justice Dept & Ors.

...Respondents

WITH

WRIT PETITION NO.8835 OF 2017

Manoj Shyamrao Raskar and Ors.

...Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr.Rajaram Deshmukh for the Petitioners in both petitions.

Mr.S.B. Kalel, AGP for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 19th DECEMBER 2018

P.C.:

1. Writ Petition No.8835 of 2017 is mentioned and taken on board.
2. There is an affidavit-in-reply tendered by Shri.Kalel.
3. It is taken on record.
4. In the affidavit-in-reply, it is stated that the Government

has invited proposals for grant of permanency/regularization benefits to the Sweeper/Helpers and Security Guards appointed on contract basis in the department concerned. In the circumstances, the Social Justice and Special Assistant Department has drawn up this plan/scheme and the matter is pending before the High Power Committee.

5. The matter will be forwarded to the High Power Committee through the Finance Department. Once the High Power Committee takes an appropriate call/decision eventually the Finance Department's approval regarding pay-scale would be necessary.

6. After this procedure is complied with, then, the principle of equal pay for equal work would automatically come into play. Thus, the affidavit says that the proposals for revised pay-scale on the basis of the above principle of not only the petitioners, but other employees working in Special Schools on contract basis have been forwarded for consideration of the Finance Department. Once it is the Finance Department which has to take a decision, then, it is entirely for the petitioner to await the final decision of the Government in that regard or to allow this Writ Petition to be disposed of in terms of the statements made in the affidavit.

7. Mr.Deshmukh, on instructions, states that presently the petitioners would await the outcome of the proposals mentioned in this affidavit-in-reply of the under Secretary, Social Justice and Special Assistant Department, Government of Maharashtra. Depending upon the final decision, the petitioners may decide to revive their challenge based on the applicability of the above

principle. In the event the final decision grant substantial relief to the petitioner, the petitioners may not raise any challenge.

8. Either way, we do not express any opinion and by keeping the issue open dispose of these Writ Petitions in the light of this affidavit.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)