

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

**WRIT PETITION NO. 8040 OF 2012**

Mrs. Meena Mohan Sugandhi ... Petitioner  
Vs  
1 The Chairman, School Board, Pune  
Municipal Corpn. & Ors. ... Respondents

**WITH  
WRIT PETITION NO. 7349 OF 2012**

Mr. Patil Ramdas Nivrutti ... Petitioner  
Vs  
1 The Chairman, School Board, Pune  
Municipal Corpn. & Ors. ... Respondents

Ms. Kumud A. Bhatia for the Petitioner in WP No.7349 of 2012.

None for the Petitioner in WP No. 8040 of 2012.

Mr. R.M. Shinde, AGP, for the Respondent Nos.5 to 7-State in both the Writ Petitions.

Mr. R.S. Khadapkar for the Respondent No.3 in WP No.8040 of 2012.

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

**MONDAY, 03RD DECEMBER, 2018**

**P.C. :**

1 On 29<sup>th</sup> January, 2018, in this petition, the following order came to be passed. That order reads as under :

*“1 The learned counsel for the Pune Municipal Corporation, on instructions of Mr. Shivaji Daundkar, I/c. Education Officer states that the pension would be started to the Petitioners immediately and the arrears of senior pay scale would be paid within a period of six weeks. It is stated that insofar as the grant of selection grade pay scale is concerned, the said issue will have to be considered by a committee under the chairmanship of the Deputy Director. It is stated that the Corporation would submit a proposal within a period of one week from today for the said purpose.*

*2 Respondent No.5 and other members of the committee under the chairmanship of the Deputy Director shall consider the proposal as submitted by the Corporation within a period of six weeks from today.*

*3 Stand over to six weeks 12<sup>th</sup> March, 2-018.”*

2 Upon a careful perusal of this order, we are of the firm opinion that this writ petition works itself out. The initial order of 3<sup>rd</sup> January, 2013, issues notice on these two petitions. Thereafter, there is an attempt made and to claim the larger reliefs. However, this Court on 29<sup>th</sup> January, 2018, crystallized the claim and found that to the extent the arrears of senior pay scale can be granted, they should be granted and the time was

stipulated. As far as selection grade pay scale is concerned, this Court opined that this issue will have to be considered by a Committee under the Chairmanship of the Deputy Director. In that regard, the Corporation would submit a proposal within a period of one week to the Deputy Director.

3           Thereafter, the Committee headed by the Deputy Director was to consider it and pass a final order thereon within six weeks.

4           Admittedly, such a proposal has been forwarded by the Municipal Corporation on 6<sup>th</sup> February, 2018, but nothing is indicated to us with regard to its outcome. No compliance affidavit is also filed by the respondents either.

5           Upon a careful perusal of this writ petition and the annexures thereto, it is evident that the selection grade pay scale on completion of twenty four years of service and with effect from March, 1999, is claimed in a writ petition which has been filed in this Court on 16<sup>th</sup> July, 2012. Selection grade pay is not a relief which can be granted by holding that the petitioners have an

absolute right to claim it. It is common ground that such pay scales are granted on assessment of the overall performance of the candidates like the petitioner. The Committee would have to undertake an exercise of verifying and scrutinizing the annual confidential reports of each of these employees or such other performance appraisal document and find out therefrom as to whether each of these petitioners have obtained a consistent grading, in the sense, have reach the benchmark for a given number of years. In the event they have not reached that benchmark and consistently, then, such a pay scale cannot be claimed.

6           We are of the opinion that no purpose will be served by now directing such an exercise to be undertaken. For all we know, each of these petitioners and having been appointed as early as 1975 and thereafter and now retired can claim such a relief. The old leave records pertaining to these teachers may not be available. They may have rendered services in different Primary Schools. The consolidated record in relation to each of the petitioners would have to be called for and thereafter the Committee would sit down to assess their performance. We do not

think that such an exercise can be directed at the behest of the petitioners who have woken up a good thirteen years from the date such pay scale could have been claimed by them. We do not think that the writ petitions deserve to be allowed insofar as this exercise is concerned. We dismiss both the writ petitions to this extent.

7           Insofar as the senior pay scales are concerned, admittedly now they are being released to the petitioners. Their pay scales have been re-fixed and based on that, the pension has been worked out. They are entitled now to the pensionary benefits on these revised scales. All the more, therefore, we are disinclined to grant any further reliefs in these writ petitions.

8           The writ petitions are dismissed. There shall be no order as to costs.

*SMT. BHARATI H. DANGRE, J.*

*S.C. DHARMADHIKARI, J.*