

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [O] NO.1833 OF 2018 IN
MISC. CIVIL APPLICATION ST. NO.22289 OF 2018 [FOR REVIEW] IN
WRIT PETITION NO.8170 OF 2017 [D]

[The Zilla Parishad, Nagpur and one .vs. State of Maharashtra and others]

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Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders
.....

Court's or Judge's orders

Smt. B.P. Maldhure, Advocate for petitioners-original respondent nos.4 and 5,
Mrs. M.H. Deshmukh, AGP for respondent nos.1 to 3,
Shri A.R. Deshpande, Advocate for respondent nos.4 to 8, 10, 12 to 24.
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CORAM : P.N. DESHMUKH AND
MRS. SWAPNA JOSHI, JJ.

DATED : OCTOBER 25, 2018.

Heard.

For the reasons stated in the application, the delay of 149 days in filing review application is hereby condoned.

Civil Application stands disposed of.

MISC. CIVIL APPLICATION ST. NO.22289 OF 2018 [FOR REVIEW]

Heard.

By this review application, the applicants pray for recalling of order passed by this Court on 5.4.2018 contending that the same is contrary to Circular dated 12.12.2000 issued by the State Government, Gram Vikas and Jalsandhran Vibhag, Mantralaya, Mumbai.

I have heard Smt. B.P. Maldhure, learned counsel for applicants-original respondent nos.4 and 5, Mrs. M.H. Deshmukh, learned Assistant Government Pleader for respondent nos.1 to 3 and Shri A.R. Deshpande, learned counsel for respondent-original petitioners nos.4 to 8, 10, 12 to 24.

The issue in the petition filed by the District Awardee Teachers was concerning to Circular dated 12.12.2000 referred to above by which such teachers would be entitled to one increment in addition to regular annual increment, petitioners claim was that though all the petitioners are District Awardee Teachers, only some of them were granted the benefit of one additional increment and thereafter Zilla Parishads stopped granting the said benefit to them. State Government had come out with a specific stand that grant of such relief is the liability of respective Zilla Parishad, as they would be liable for grant of such benefit of one advance increment to the petitioners. Such statement was made on behalf of Government in view of Clause (1) of the Circular dated 12.12.2000.

Learned counsel appearing for respective Zilla Parishads then made a statement that for want of sufficient grants since not released, it was difficult to grant additional increment in favour of the District Awardee Teachers. In short, Zilla Parishads claim was that no such additional grants in addition to annual grants could be given for want of funds.

From the review application, we find that an attempt is made to bring on record new case which admittedly was not subject matter for consideration when the order in writ petition came to be passed and is prayed to be reviewed.

We find that this Court while allowing the petition had considered all the relevant aspects particularly Clause 12 of the Government Circular dated 12.12.2000 and also that some petitioners were initially granted the benefit of the government circular but then the zilla parishads stopped releasing the amount in terms of the circular to the petitioners and in respect of few of the petitioners, the benefit is not granted at all and thus also considered time of three years for which the petitioners would be entitled for the

relief of additional grants by way of arrears being monetary claim.

It is also material to note that three months' time was granted to applicants-Zilla Parishad to release the monetary benefits to the petitioners. However, the order could not be complied in spite of getting said period of three months further extended and, thereafter, instead of complying the order applicants have chosen to file review petition. It is thus found that said recourse to file review application came to be filed by the applicants only after time for extension to comply with order was refused as per order passed in Civil Application No.1910/2018, dated 21.9.2018.

In that view of the matter, we do not find any error apparent on the face of the record to interfere with the impugned order. In the circumstance, the petitioners-original respondent nos.4 and 5/Zilla Parishads, Nagpur to take steps for compliance of impugned order preferably within six weeks from today.

M.C.A. stands disposed of in above terms.

JUDGE

JUDGE