

(1)

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

WRIT PETITION NO.1083 OF 2019

1. Machindra s/o Gangadhar Ade
Aged : 39 years, Occ. Lab Assistant,
In Secondary Ashram School,
at Kaudgaon (Huda) Tq. Parali
District Beed.

2. Manik Dasrath Chavan
Aged : 41 years, Occ.: Sevak,
in Secondary Ashram School,
at Kaudgaon (Huda) Tq. Parali
District Beed

..PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary to the
Government of Maharashtra in
Social Welfare Department,
Mantralaya, Mumbai – 32

2. The Director,
V.J.N.T., O.B.C. & S.B.C.
Special Help Department,
Maharashtra State, Pune

3. The Divisional Deputy Commissioner,
Social Welfare, Latur Aurangabad
Tq. and District: Aurangabad.

4. The Assistant Commissioner,
Social Welfare Department, Beed
Tq. and District Beed

..RESPONDENTS

Mr Bapusaheb B. Dahiphale, Advocate for petitioners;
Mr V. S. Badak, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ**

DATE : 28th January, 2019

ORAL ORDER:

The petitioners are the Teachers working in a secondary ashram school as Laboratory Assistant and Peon, respectively. It is the submission raised in the petition that these petitioners have completed twelve years of service and are entitled for the benefit of higher pay scale and/or benefit of Assured Career Progress Scheme (for short "ACPS"). It is submitted that the petitioners were appointed on 1st July, 2006 and 10th July, 2006, respectively. It is also submitted before us that the performance of the petitioners is satisfactory and unblemished. A reference is made to the Govt. Resolutions dated 18th April, 1995 and 8th June, 1995. By the said Resolutions, the State Government provided the benefit of higher pay scale on the lines of the policy of the Central Government to the employees working in group C and group D category on the backdrop of a fact that there is no promotional avenue open for these employees. Learned Counsel then submitted that the other employees identically circumstanced with these petitioners were first kept out of consideration for granting the benefit of ACPS and these persons approached this Court raising their grievance against the disparity. A bunch of petitions, namely, Writ Petition No.1871 of 2014 and other connected petitions were decided by this Court by order dated 12th March, 2014, a copy of which is also placed on record at Exh.C. The relevant observations are reflected in paragraph 5 of the said order. Resultantly, the petitions are allowed and the respondents authorities were directed to examine the cases of the individual petitioners for deciding whether they satisfy the criteria laid down for claiming the

(3)

benefits of ACPS to the private aided Government schools under the Govt. Resolution dated 30th April, 1998, as modified from time to time, and if it is found that the petitioners are entitled to claim benefits under the scheme and they satisfy the eligibility criteria, the respondents shall extend the benefits to the petitioners.

2. Learned Counsel appearing on behalf of the petitioners submitted that the Head Master of the secondary ashram school, Kaudgaon (Huda), Tq. Parali, Dist. Beed forwarded the proposal of the petitioners to respondent no.4 Assistant Commissioner, Social Welfare, Beed for grant of benefit to the petitioners. The proposal is pending till date.

3. In view of aforesaid facts, we deem it appropriate to decide the petition at the threshold with directions and accordingly we direct respondent no.4 - Assistant Commissioner to take a decision on the proposal dated 30th August, 2018 expeditiously, needless to state considering the merits of the proposal on the backdrop of the judgment and order of this Court, dated 12th March, 2014 in a bunch of petitions, namely, Writ Petition No.1871 of 2014 and other connected petitions. This exercise be undertaken as expeditiously as possible and not later than twelve weeks from the date of the order of this Court.

Writ Petition stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

(PRASANNA B. VARALE, J.)

amj