

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
35 WRIT PETITION NO.4693 OF 2018**

LILABAI PUNDALIK BAWASKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Bhushan S. Borde, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Shantaram R. Dheple, Advocate for Respondent
Nos.2 to 4.

...

CORAM : S. V. GANGAPURWALA &

A. M. DHAVAL, JJ.

DATED : 26th FEBRUARY, 2019.

PER COURT:-

1. It is submitted that the petitioner is working as Part Time Parichar since 1990 and is only paid fixed emolument. The petitioner is being extracted work as a Full Time Parichar. The petitioner is entitled for the payment as per the pay scale from the year 1990.

2. Mr. Dheple, learned counsel for Zilla Parishad submits that in view of the decision taken by the Government, the service of the petitioner cannot be regularized. The petitioner is appointed on fixed salary/honorarium. The petitioner is paid Rs.1200/- per month.

3. It is not disputed by the respondent that the petitioner is working continuously as a Part Time Parichar and is now paid Rs.1200/- per month.

The petitioner certainly would be entitled to the salary that is half of the salary paid to the Full Time Parichar. In similar matter under order dated 11.04.2017 in Writ Petition No.4109/2016 we had directed the Zilla Parishad to pay 50% of the salary paid to the Full Time Parichar to the person working as Part Time Parichar. Reliance was placed in the order passed by the Chief Executive Officer, Zilla Parishad, Aurangabad in respect of similarly situated employees.

4. However, we would not grant the monitory benefit to the petitioner since the year 1990. We will restrict it for a period of three years prior to the filing of the writ petition. The respondent no.2 shall pay to the petitioner 50% of the salary admissible to the Full Time Parichar from 01.02.2015. The arrears shall be paid within a period of six months and the regular salary shall be paid at the rate of 50% of the admissible salary to the Full Time Parichar regularly.

5. Writ Petition accordingly stands disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE