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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1970 OF 2015

Jonnalagedda Megha Venkatesh and Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

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Mr. Ajay S. Deshpande, Advocate for the petitioners
Mr. A. V. Deshmukh, AGP for respondents No. 1 and 2 - State
Mr. K. M. Suryawanshi, Advocate for respondent No. 3

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[CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.]

DATE : 4th APRIL, 2019

ORDER :

1. Heard learned advocates for the parties.
2. Originally, the petition had been moved against orders dated 7th January, 2013 passed by Assistant Director, Directorate, Technical Education, Mumbai cancelling pay scales granted to the petitioners on account of qualifications held by the petitioners and dated 29th January, 2013 passed by respondent No. 3 - Director, Guru Gobind Singhji Institute of Engineering and Technology, Nanded directing recovery of alleged excess payment made to the petitioners.

3. According to the petitioners, as a matter of fact, petitioners were eligible and entitled to pay scale of Rs.37,400/- - 67,000/- plus Grade Pay of Rs.9,000/-. Petitioners were entitled to said pay scale upon completion of three years of service i.e. from June, 2012. Despite their entitlement, under Government Resolution dated 20th August, 2010, instead of extending said pay scale to the petitioners, amounts have been directed to be recovered from them. Petitioners have thus approached this court.

4. Learned advocate for the petitioners contends that having regard to the entitlement of the petitioners, the entire alleged excess payment stands already retrieved, yet, recoveries are being continued.

5. This court had stayed further recovery from the petitioners in the writ petition under an interim order. During pendency of present writ petition, it appears, there have been further developments, particularly that Government Resolution dated 17th October, 2015 has been issued which, according to the petitioners, vindicates their claim to the pay scale of Rs.37,400/- - 67,000/- plus Grade Pay of Rs.9,000/-. Accordingly, the writ petition has undergone amendment by incorporating a prayer

that determination of such entitlement shall be by the Director of Technical Education - respondent No.2 herein.

6. Learned AGP submits that it would be legitimate if the claim of the petitioners is determined by proper authority, which is respondent No. 2, leaving all points open to contest on either side.

7. In view of aforesaid, we deem it appropriate to dispose of the writ petition granting the same in terms of amended prayer clause C-1. Petitioners may make an approach to Director of Technical Education - respondent No. 2 as early as possible, preferably within a period of four weeks from the date of this order. Respondent No.2 shall decide the claim of the petitioners expeditiously, preferably within a period of eight weeks from its presentation, by giving opportunity to the parties concerned.

8. As such, writ petition is allowed in terms of amended prayer clause C-1 and is disposed of. Till the decision by respondent No. 2, interim relief as operating hitherto to continue to operate.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE