

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11920 OF 2018

Suryakant Shriram Nalwad ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. S.S. Thombre, Advocate for Petitioner
Mr. P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 and 2

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 7th MARCH, 2019

ORAL ORDER:

1. The petitioner challenges the order of respondent directing re-pay fixation.
2. Mr. Thombre, the learned Counsel relies on the U.G.C. Regulations, 1988, more particularly, 7.1.1. of the said Regulations. He also relies on the Government Resolution dated 11th December, 1999.
3. The learned Additional Government Pleader submits that the order impugned in the present Writ Petition has been correctly passed. The Government Resolution dated 27th February, 1989 has

been rightly appreciated. It states that every Lecturer will be placed in senior pay scale, if he has completed 8 years of service after regular appointment and Lecturer will be eligible for promotion to the post of Lecturer selection grade, if he completes 8 years of service in senior grade. As the petitioner is appointed in the year 1982, he completes 8 years of service in 1990 in senior scale and after completion of 8 years i.e. 1998 will be entitled for selection grade. In the present case, the selection grade has been granted to the petitioner since 1996.

4. Though petitioner is granted selection grade from 1996, the same is notionally granted. It is actually granted from 1998. The Service Book of the petitioner clarifies the same.

5. The U.G.C. Regulations, 1988, more particularly 7.1.1 reads thus -

7.1.1. Minimum length of service for eligibility to move into the grade of Lecturer (Senior Scale) would be four years for those with Ph.D., five years for those with M.Phil, and six years for others at the level of Lecturer, and for eligibility to move into the Grade of Lecturer (Selection Grade) Reader, the minimum length of service as Lecturer (Senior Scale) shall be uniformly five years.

6. According to the said Regulations, after completion of six years of service for a person not possessing Ph.D. or M.Phil, he

would move into the grade of senior scale and after five years continuous service on senior scale will move to selection grade i.e. he would move to selection grade after continuous service of eleven years.

7. The U.G.C. Regulations, it appears has been accepted and the Government Resolution has been issued by the State of Maharashtra on 11th December, 1999. Clause 12 of the same is a *pari materia* provision to the U.G.C. Regulations. The same reads thus -

12. Career Advancement : Minimum length of service for eligibility to move into the grade of Lecturer (Senior Grade) would be four years for those with Ph.D., five years for those with M. Phil., and six years for others at the level of Lecturer, and for eligibility to move into the Grade of Lecturer (Selection Grade)/Reader, the minimum length of service as Lecturer (Senior Scale) shall be uniformly five years.

8. Perusing the Service Book of the petitioner, it appears that the petitioner (page 36) is notionally granted increment from 01.01.1996 to 01.08.1997 and the selection grade pay is implemented from 27.07.1998. As per the Circular dated 17.02.2005, the Government has accepted the U.G.C. Regulations, 1988 of granting selection grade on completion of eleven years of service.

9. In light of the above, there was no error in the pay fixation done.
10. In view of the same, the impugned communication is quashed and set aside.
11. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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