

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 43 OF 2019

IN

WRIT PETITION NO. 4138 OF 2017

Hind Seva Mandal & Anr.

Applicants

Versus

Sunil S/o. Popatrao Narwade & Ors.

Respondents

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Shri. Sushant V. Dixit, Advocate for the applicants

Shri. A. B. Chate, AGP for respondent/State

Shri. C. K. Shinde, Advocate for respondent No. 1

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CORAM : S. V. GANGAPURWALA &

A. M. DHAVAL, JJ.

DATED : 22nd MARCH, 2019.

PER COURT:-

1. Shri. Sushant Dixit, learned counsel for the applicant submits that this Court while disposing of the Writ Petition No. 4138 of 2017 under order dt. 09.04.2018, did not consider the judgment delivered by the Division Bench of this Court at Nagpur in case of **Mahadeo Vs. The State of Maharashtra** reported in 2014(5) Mh.L.J. 877. It has been held by the Division Bench at Nagpur in the said case that, the payment as per Schedule 'C' only could be paid and Schedule 'C' was amended in September-2016. Learned counsel also relies on the judgment passed by this Court in **Uzma Khanam Mirza Moin Ullah Baig Vs. State of Maharashtra and Others** in Writ Petition No. 3658 of 2015, dt. 19.09.2016.

2. In both these cases the judgments were delivered when the Schedule 'C' was not amended. This present writ petition has been disposed of on 09.04.2018 i.e. after the amendment to the Schedule 'C'.

3. Moreover, in the case before the Nagpur Bench, the Institute had placed on record the financial condition of the accounts to substantiate its inability to pay the amount. The said exercise is not made in the present case.

4. While disposing of the present writ petition, we had considered the amendment made to the Schedule 'C' and had awarded the pay scale as per Schedule C to the M.E.P.S. Act and Rules. The notification dt. 16.10.2018 itself states that, the amendment is effectuated w.e.f. 01.01.2006.

5. Considering the above, we are not inclined to entertain the Review Application. Same stands disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde