

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
28 WRIT PETITION NO.5283 OF 2018**

RAMESH ABHANGRAO MORE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Suhas P. Urgunde, Advocate for the Petitioner.

Mr. Y. G. Gujrathi, AGP for Respondents-State.

Mr. Parag Vijay Barde, Advocate for Respondent No.5.

...

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

DATED : 16th APRIL, 2019.

ORAL JUDGMENT (Per: S. V. Gangapurwala, J.):—

1. Heard.

2. Rule. Rule made returnable forthwith.
With the consent of the parties, matter is taken up for final hearing.

3. Mr. Urgunde, learned counsel submits that petitioner was appointed as a Junior Engineer by Respondent No.5 – Municipal Council, Udgir, Dist. Latur, in the year 2002. The service conditions of the petitioner are governed by Maharashtra Civil Services Rules and the said Rules have been sanctioned by the Collector, Latur. The pay fixation of the petitioner was made with effect from 1.4.1981 in the pay-scale of Rs.500-900 as per 4th Pay Commission. Thereafter, the same was revised in 1996 as per 5th Pay Commission. The

learned counsel submits that the Government vide Resolution dated 11.8.1995 decided to grant status of Gazetted Officer, Class-II (Junior Officers) to all Junior Engineers working with Municipal Council, holding degree or diploma in Engineering. As per the said Government Resolution, the pay-scale of Junior Engineers were revised with retrospective effect i.e. from 1.4.1981. According to the learned counsel, the petitioner was entitled for the above said revised pay-scale from 25.01.2007 as Gazetted Officer. The learned counsel submits that similarly situated persons were granted the benefits of higher pay-scale as Junior Engineers. However, the petitioner is being discriminated.

4. Mr. Barde, learned counsel for Respondent No.5 states that Respondent No.5 has already recommended proposal of the petitioner for revised pay-scale to the Government. The petitioner is entitled for the revised pay-scale as per the said Government Resolution.

5. Mr. Gujrathi, learned Asstt. Govt. Pleader states that the Government Resolution in question is only applicable to the employees working in Public Works Department and not the Junior Engineers working with the Municipal Council. The order has been rightly passed by Respondent No.3—Director of Municipal Administration.

6. The Government Resolution dated 11.8.1995 is applicable to the Junior Engineers working under the Urban Development Department. The Junior Engineers working with the Municipal Council are also working under the Urban Development Department. The said fact is conceded by all the learned counsel for respective parties. In light of that, the said Government Resolution would certainly be applicable to the petitioner. Considering the said fact, the petitioner would be entitled for the benefit of Government Resolution dated 11.8.1995 and will be entitled for the revised pay-scale as laid down in the said Government Resolution after five years of the petitioner joining the service that is since the year 2007 and shall be awarded consequential benefits thereafter.

7. The Government shall accordingly take decision upon the proposal submitted by the Commissioner in light of the observations made above within a period of three months.

8. Rule accordingly made absolute in above terms. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE