

P.C. :-

1. These writ petitions seek common reliefs and were heard together and are disposed of by this common order.

2. Writ Petition No. 6028 of 2014 prays for the following reliefs:-

“(b) This Hon’ble Court be pleased to issue an appropriate Writ and / or Direction in the nature of Writ, quashing & setting aside the Order dated 11.02.2013 to the extent of denying removal of anomalies with regard to the Laboratory Assistants and directing the Respondents to correct the Pay Scales given to Laboratory Assistants in the entire State, under IV, V & VI Pay Commission and pay them with arrears and 12% interest per annum on the arrears;

(c) This Hon’ble Court be further pleased to direct the Respondents to extend

i) the Pay Scales of Rs.100-2040 under IV Pay Commission;

ii) Rs.4000-6000 under V Pay Commission and

iii) Rs.5200-20200+Grade Pay Rs.2400 under VI Pay Commission

to the Laboratory Assistants working in the Secondary, Higher Secondary Schools and D.Ed. Colleges including those run by Zilla Parishads in the State of Maharashtra.

(d) This Hon’ble court be also pleased to direct the Respondents to extend the benefit of Assured Career Progression to the employees, working on the posts of Laboratory Assistants in the Secondary & Higher Secondary Schools and D.Ed. Colleges including those run by Zilla Parishads in the State of Maharashtra.”

3. After some arguments, it is conceded that these petitions would have to be disposed of in terms of a Division Bench order of this court in a batch of petitions passed on 4th October, 2018 (Writ Petition No. 334 of 2018 and connected matters).

4. In terms of this Division Bench order, we make these petitions absolute in terms of prayer clauses (b) and (d). We direct that the benefit of assured carrier progression scheme be extended to the members of the petitioners working as Lab Assistants and Lab Attendants within a period of three months from the date of receipt of a copy of this order.

5. As far as relief in terms of prayer clause (c) is concerned, that would require a scrutiny by the competent officials of the State Government. In fact, the request in terms of this prayer clause is to remove the anomaly in the pay-scale which is admissible to Lab Assistants/ Lab Attendants. The grievance is that there is a disparity in the sense that the employees performing identical duties and functions or discharging same duties are discriminated by the State Government. The Lab Assistants and Lab Attendants in schools or Higher Secondary Schools perform the same work as their counterparts at Kendriya Vidyalayas. At least at school level, there should be a parity.

6. We do not think that this issue can be decided by this court or any adjudication thereof is permissible in the absence of complete materials.

7. We, therefore, direct the Secretary in the Department of School Education and Sports, Government of Maharashtra to consider the grievance of the petitioners to correct the pay-scales and to remove the anomaly therefrom. The Secretary in the Department of School Education and Sports shall consider the said grievance/representation of the petitioners and pass requisite orders as expeditiously as possible and in any event, within a period of four months from the date of communication of this order to him.

8. Needless to clarify that the Secretary will hear the representatives of the petitioners. The grievance of the petitioners is that their representatives were not given such opportunity by the Pay Anomaly Committee nor did it assign any reasons for its conclusion that the request cannot be granted. Therefore, the Secretary will give an opportunity of personal hearing and will not be influenced in any manner by the order of the Pay Anomaly Committee.

9. With the aforesaid directions, the writ petitions are disposed of.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)