

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2987 OF 2017

Nilima Sharad Vatkar

..Petitioner

Versus

The State of Maharashtra and others

..Respondents

Mr. A. R. Belge, Advocate for the Petitioner.

Mrs. S. D. Vyas, "B" Panel Counsel for Respondent – State.

Ms. Amita Chaware I/by Mr. S. S. Deshmukh, Advocate for Respondent No.6.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 18th APRIL 2019**

P.C.

1] The Petitioner, who is a lecturer, seeks pay fixation and payment of arrears in terms of 6th Pay Commission recommendations. She has approached this Court praying for following reliefs :-

“a) This Hon'ble Court be pleased to exercise the powers vested in it under Article 226 of the Constitution of India and to issue a Writ of Mandamus and/or a Writ in the nature of Mandamus or any other appropriate writ and direction, directing Respondent Nos.1 to 4 to issue order and direction directing Respondent Nos.5 and 6 to act in accordance with the Government Resolutions no.SPC-2010/ (34/10)/TE-2 dated 20th August 2010 and extend the revised pay scale as admissible to their post and seniority with all

benefits and then draw their monthly salary accordingly from month to month giving effect from 01/01/2006 upto 31/09/2010 may be given to the Petitioner with such interest as the Hon'ble Court may deem fit and also to pay admissible arrears.

- b) This Hon'ble Court be pleased to exercise the powers vested in it under Article 226 of the Constitution of India and to issue a Writ of Mandamus and/or a Writ in the nature of Mandamus or any other appropriate writ and direction, directing Respondent Nos.1 to 4 to issue order and direction directing Respondent Nos.5 to 6 to act in accordance with the Government Resolutions issued from time to time and extend the revised dearness allowances as admissible to their post and seniority with all benefits and then draw their monthly salary accordingly from month to month giving effect from 01/11/2010 and also to pay admissible arrears.
- c) Pending the hearing and final disposal of this writ petition, this Hon'ble Court may be pleased to issue an order and injunction of this Hon'ble Court restraining the Respondent Nos.5 and 6, its agents, servants and/or anyone claiming through them from terminating, transferring, suspending or demoting the services of the Petitioners and/or altering the service conditions of the Petitioners to their detriment and or making any attempt which may lead to the closure of the institution.
- d) Ad-interim reliefs in terms of the prayer clauses (a) and (c).
- e) Costs of the petition may be provided for the Petitioners.

- f) Such order and further reliefs that may be necessary may kindly be passed.”

2] The Petitioner's counsel informs the Court that the issue raised in this Writ Petition stands squarely covered by the judgment of this Court in Writ Petition No.1262 of 2018, dated 7th September 2018 and also by the Supreme Court judgment in Secretary, Mahatma Gandhi Mission and Ors. Vs. Bhartiya Kamgar Sena and Ors.¹

3] Learned AGP as well as the counsel for Respondent college does not dispute this proposition.

4] We therefore allow this Petition, applying the ratio of judgments referred to above. Rule is made absolute in terms of prayer clause (a) with all consequential benefits.

5] Needless to observe that the Respondent authorities will comply with the judicial mandate expeditiously in three months.

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]

¹ AIR 2017 SC 505.