

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 898 OF 2014

Mr. Deepak Chandu Pardeshi & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Avinash Belge i/b Mr. Nitin A. Kulkarni for the Petitioners.
Mr. K. S. Thorat, AGP for Respondent Nos.1 to 3.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**
DATE : 12th JULY, 2019.

P. C. :

1. The Petitioners are non-teaching employees of the 4th Respondent which is a recognized deemed University by the State of Maharashtra. The grievance is whereas others got benefits of the pay scale prescribed by the 6th Pay Commission w.e.f. 01.01.2006, the Petitioners have been denied benefits thereof, in as much they have been given benefit in the year 2010.
2. The rational given by the State of Maharashtra is that if retrospective financial liability is imposed upon Respondent No.4 it would have been severe effect on the existence of Respondent No.4.
3. We have repeatedly asked learned Counsel for the Petitioners as to which umbrella legislation empowers the Government to issue

directives to deemed Universities, for the reason none has been pleaded in the Writ Petition.

4. The only contention which the Petitioners' Counsel repeats is that Article 14 is violated.

5. Unless the umbrella legislation empowering the Government to issue directives is pleaded and shown to us, it would be difficult to decide whether the Government was justified in issuing the directive making it prospectively applicable.

6. The Writ Petition is accordingly dismissed.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]