

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2206/2017

Rajaram s/o Rangrao Rathod and anr.
 Vs.

State of Maharashtra, through its Secretary, Ministry of Water Conservation and Rural Development
 and Irrigation Department, Mumbai and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri Atul J.Pathak, Advocate for petitioners.
 Shri B.M.Lonare, Assistant Government Pleader for respondent
 nos. 1 and 2.
 Shri A.D.Girdekar, Advocate for respondent nos. 3 to 5.
 Shri Aakash Gupta, Advocate for respondent nos. 6 to 14.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : 22.01.2020

Rule. Heard finally with the consent of learned
 counsel for the parties.

The petitioners seek to claim benefits under Government Resolution dated 29.09.2003. As per that Government Resolution, an employee of the Zilla Parishad is held entitled to pay-scale on the basis of the post held by him. It is the grievance of the petitioners that despite being entitled to benefits under Government Resolution dated 29.09.2003, their cases had not been considered by the Zilla Parishad as well as by the State Government for being granted those benefits. A further prayer has been made by the petitioners to withdraw the benefits which have been granted under the same Government Resolution to the respondent nos. 6 to 14.

On behalf of the petitioners it is submitted that

the petitioners proposals have not been forwarded by the Zilla Parishad to the State Government for its consideration.

It is found that the question whether the petitioners are entitled to benefits under Government Resolution dated 29.09.2003 is required to be considered by the State Government on the basis of the proposal submitted by the Zilla Parishad. The interests of justice would be met by passing the following order :

The petitioners shall submit all requisite documents that are required for the purpose of entitlement of benefits under Government Resolution dated 29.09.2003. After the Zilla Parishad - Respondent no.3 receives all the documents, it shall within a period of four weeks from that date forward the proposal to the respondent no.1-State Government. The State Government shall thereafter within period of four months take appropriate decision on the said proposal.

In that view of the matter, we are not inclined to go into the question as to the aspect of correctness of the grant of benefits to the respondent nos. 6 to 14. That question is left open.

The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

JUDGE

JUDGE