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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6900 OF 2018

Sajed Ahmed Ikramoddin ..PETITIONER

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

AND

WRIT PETITION NO.6910 OF 2018

Mohammed Asad Ahmed S/o
Mohammed Bashir Ahmed & anr. ..PETITIONERS

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr Vilas M. Humbe, Advocate for petitioners;
Mr P.S. Patil, Addl. G.P. for respondent nos.1 to 5;
Mr Satyajit S. Bora, Advocate for respondent no.6

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 13th August, 2021

PER COURT:

1. We have passed speaking orders on 16th June, 2021, 2nd July, 2021 and 28th July, 2021. Shri Bora, the learned Advocate submits that the Corporation has forwarded the proposals of these petitioners for consideration to the Government within the time frame given by this Court.

2. The issue raised in these petitions is with regard to the difference of the pay scale with reference to the 5th and 6th Pay Commission recommendations.

(2)

3. The petitioners are out of employment for almost five years.

4. It is well settled that disputed questions cannot be considered by this Court under Article 226 of the Constitution. As the dispute between the petitioners and respondent no.6 is only with reference to the calculations of the purported arrears of difference of pay, respondent no.3 Regional Directorate of Municipal Administration, Aurangabad Division would be in a better position to examine this dispute and quantify the arrears of the pay difference. The petitioners acknowledge that they have received amounts of Rs.3,88,085/-, Rs.3,38,835/- and Rs.3,88,085/-, respectively as per the calculations of respondent no.6 Corporation.

5. In view of the above, both these petitions are disposed of. The petitioners would be at liberty to approach respondent no.3 with a proper representation along with detailed calculations of arrears strictly as per the 5th and 6th Pay Commission recommendations, the salaries they used to receive and by adjusting the amounts that they have been paid during the pendency of these petitions. Such representation shall be lodged on or before 31st August, 2021.

6. Respondent no.3 would post the matters on 15th September, 2021 on which date the representative of respondent no.6 Municipal Corporation and/or its legal representative would appear before respondent no.3 at 2.00 p.m. Formal notices may be issued though respondent no.6 would be

(3)

appearing without fail on the said date and time.

7. Respondent no.3 would consider the issue in accordance with the 5th and 6th Commission pay scales recommendations, only if such pay scale recommendations are made applicable to the Municipal Corporation. All contentions of the petitioners are kept open.

8. We expect respondent no.3 to deliver a reasoned order on or before 31st December, 2021.

9. In addition to the above, considering that the Corporation has forwarded the proposals of the petitioners to the Government for consideration, we expect the Government to deal with such proposals keeping in view that the petitioners are not in employment for almost five years and decide their rights and claims in accordance with the law, as expeditiously as possible and preferably on or before 28th February, 2022. There shall be no request for extension of time.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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