

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

**CIVIL APPLICATION NO. 1085 OF 2021
IN
WRIT PETITION NO. 4099 OF 2001**

Hukumchand Shivram Kumbhar
and others

.. Applicants

Versus

Kisan Vidya Prasarak Sanstha
Through its President
Tushar Vishwasrao Randhe and others

.. Respondents

Mr. L. V. Sangeet, Advocate for the Applicants.
Mr. S. P. Brahme, Advocate for Respondent Nos. 1 to 3.
Mr. M. P. Gude, Advocate for Respondent No. 4.
Mr. S. P. Tiwari, AGP for Respondent No. 5.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 04th AUGUST, 2021.

PER COURT:-

1. Mr. Sangeet, learned counsel for the applicants submits that this Court had directed the non applicants to accord pay scale as per recommendation of 5th pay commission from 01.07.1998. The non applicants are interpreting that the said benefit is to be given only for three years. The same is erroneous.

2. Mr. Brahme, learned counsel for non applicant Nos. 1 to 3 submits that the present applicants have moved this application for

modification of the order after three years. The applicants have not filed application for condonation of delay. This Court had directed to pay the benefit of 5th pay commission for a period of three years from 01.07.1998. The respondents are complying with the said order.

3. We would entertain the present application only to the extent seeking clarification. We would not entertain the present application in the nature of review.

4. Under order dated 02.02.2017 in Writ Petition No. 4099 of 2001, we had held that the applicants are entitled for the benefit of 5th pay commission. The prayer as was made in the Writ Petition No. 4099 of 2001 was considered by us and had accepted the contention of the petitioners that the petitioners are entitled for the benefit of 5th pay commission.

5. In the light of that, it is clarified that the said benefit of according the pay scale of 5th pay commission to the applicants was not limited for three years, but was also for further period.

6. With this clarification, civil application is disposed of.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.