

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

WRIT PETITION NO. 615 OF 2019

Raheman Khan s/o Mansoor Khan
Age : 55 years, Occu. : Nil
R/o Akhada Balapur, Tq. Kalamnuri
Dist. Hingoli

.. Petitioner

Versus

1. The State of Maharashtra
Through – Principal Secretary
Irrigation Dept.
Madam Cama Road,
Mantralaya, Mumbai-32.
 2. Godavari Marathwada Irrigation Development Corp.
Through its Executive Director
Near Akashwani, Jalna Road
Aurangabad
 3. The Executive Engineer
Upper Painganga Project Division-06
Chaitanya Nagar,
Nanded-431601
 4. The Sub Divisional Officer (Deputy Engineer)
Upper Painganga Project Division – 24
Akhada Balapur, Dist. Hingoli
- .. Respondents

Mr. C. V. Dharurkar, Advocate h/f Mr. Sunil V. Kurundkar, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent No. 1.

Mr. S. D. Dhongde, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 15th DECEMBER, 2021.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

. The petitioner seeks directions against the respondents to extend the benefit of the Government Resolution dated 28.05.2001 to the petitioner and to fix the pay scale as prescribed in the Government Resolution dated 28.05.2001.

2. We have heard Mr. Dharurkar, learned counsel holding for Mr. Kurundkar, learned counsel for the petitioner.

3. Mr. Dhongde, learned counsel for respondent Nos. 2 to 4 submits that the name of the petitioner appears in Annexure A to the Government Resolution dated 28.05.2001 i.e. the persons to be accorded the pay scale of Rs. 2610-4000, however, as the petitioner is litigating in the Court, the said benefit is not advanced.

4. We cannot comprehend such an argument on behalf of institution. Only because the petitioner approaches the Court for redressal of his grievance that cannot be a ground to negative the claim. The institution has to consider the legitimacy of the claim.

5. It appears that, under the Government Resolution dated 28.05.2001 the decision has been taken regarding the pay scale after conversion to CRT. The name of the petitioner appears at serial no. 36 in Annexure A to the Government Resolution dated 28.05.2001. The

matter pending before the learned Single Judge is to the extent of back-wages as contended by the learned counsel for the petitioner. The same also would not be an impediment to advance the benefit to the petitioner as per the Government Resolution dated 28.05.2001.

6. In the light of the above, rule is made absolute in terms of prayer clauses (B) and (C). No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.