

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3224 OF 2020

Sanjay Baburao Nangare & Ors.

..... Petitioners

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr. P.S.Gole for the Petitioners.

Mr.N.C.Walimbe, A.G.P. for the State – Respondent no.1.

Mr.M.V.Thorat for the Respondent nos. 2 and 3.

Mr.Hemant Khade, Gazetted Superintendent, Satara Zilla Parishad
present in Court.

CORAM: R. D. DHANUKA AND

R.N.LADDHA, JJ.

DATE : 9th DECEMBER, 2021

P.C:-

Rule. Mr.Walimbe, learned A.G.P. waives service for the respondent no.1. Mr.Thorat, learned counsel waives service for the respondent nos. 2 and 3. By consent of parties, writ petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus directing the respondents

to re-fix the pay scale of the petitioners including additional increments as per the order dated 22nd November, 2007 and 27th October, 2008 in view of the orders passed by this Court in Writ Petition No. 12699 of 2018 on 3rd April, 2019.

3. The petitioners are the Assistant Teachers working in the Primary Schools run by the State Government through Satara Zilla Parishad, Satara. The State Government has framed policy in respect of grant of additional/advance increments to the Zilla Parishad employee for the 'Most Excellent/outstanding work'.

4. Pursuant to the Government Resolution dated 2nd November, 2017 and 27th October, 2008, the respondent no.2 has awarded additional/advance increments to the petitioners for the period 2006 to 2008. The said decision however was withdrawn by subsequent decision dated 24th August, 2017 by the respondent no.1. The said Government Resolution dated 24th August, 2017 was challenged by some other Assistant Teachers in this Court by filing Writ Petition Nos.12699 of 2018 and 7649 of 2019.

5. On 3rd April, 2019 and 25th June, 2019, this Court passed an

order holding that the Government Resolution dated 24th August, 2017 will have prospective effect and not retrospective and in that case benefit that was accorded to the petitioners of excellent work in the year 2006 and 2008 shall not be withdrawn and if any recovery is made pursuant to the same, the same shall be refunded to the petitioners.

6. Learned counsel for the petitioners placed reliance on the unreported judgment of this Court delivered on 27th November, 2020 in case of ***Nita A.Patil & Ors. vs. The State of Maharashtra & Ors. in Writ Petition No. 9247 of 2019*** and would submit that after adverting to the judgment of the Aurangabad Bench in case of ***Ganpat Vitthal Dapute & Ors. vs. The State of Maharashtra & Ors. in Writ Petition No.14797 of 2017*** this Court on 11th June, 2019 has held that the Government Resolution dated 24th August, 2017 will have prospective effect. Learned counsel for the respondents could not distinguish the said judgment delivered on 27th November, 2020 in Writ Petition No. 9247 of 2019. In our view the said judgment would squarely apply to the facts of this case.

7. We accordingly pass the following order :-

- (a) Writ petition is allowed in terms of prayer clause
- (b). The consequential benefits shall be granted to the petitioners by fixing reformative six pay scales within eight weeks from today.
- (b) Rule is made absolute accordingly. No order as to costs.
- (c) The parties to act on the authenticated copy of this order.

[R.N.LADDHA, J.]

[R.D.DHANUKA, J.]