

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

124 WRIT PETITION NO. 2821 OF 2020

GOUS MOHIYODDIN MOINODDIN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. G.R.Syed
Addl GP for Respondent No. 1: Mr. S.B. Yawalkar
Advocate for Respondent No. 2 : Mr. R.K. Ingole

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

DATE : 28th FEBRUARY, 2022

PER COURT :-

1. The petitioner is given time bound promotional pay-scale w.e.f. 1998, however, the petitioner is claiming the same w.e.f. 01.10.1994.
2. Mr. Syed, learned counsel for petitioner submits that the petitioner's deemed date of promotion is 08-02-1980 to the post of Tax Inspector. The petitioner worked for 12 years on the said post till the year 1992. Respondents ought to have given time bound promotional pay-scale from 1994, however, the petitioner is accorded benefit from 1998.
3. Mr. Ingole, learned counsel submits that petitioner is given deemed date to the post of Tax Inspector on 08-02-1980. From 01-01-1986 the petitioner is given pay scale of Rs.1640-2900 as per 4th pay commission. It is further submitted that the petitioner has completed 12 years service on 01-01-1998 in the pay scale of 1640-2900 (Rs.5000-9000 as per fifth pay Commission). The petitioner is rightly given time bound promotional pay scale from 01-01-1998.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. Respondent No. 2 has given deemed date of promotion to the petitioner on the post of Tax Inspector w.e.f. 08-02-1980. Only because the pay is revised, that would not be considered while considering 12 years service for grant of time bound promotional pay scale. It is not the case of respondent that in the year 1986 the petitioner was paid higher pay-scale of the post than the petitioner occupied since 1980. Since the year 1980, 12 years will have to be computed.

5. In view that the petitioner would complete 12 years in the year 1992. The respondent No. 2 has implemented the guidelines and awarded time bound promotion from 01-10-1994 to all employees of the Corporation.

6. In view of that, we hold that petitioner would be entitled to time bound promotional pay scale from 01-10-1994. Respondents shall accord the said benefits to the petitioner within a period of six (06) months from the date of this order. Further consequences to follow.

7. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE