

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

WRIT PETITION NO. 6741 OF 2019

Shikandar Bibankha Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. R. Irale Patil, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.
Smt. R. R. Mane, Advocate h/f Smt. Manjusha S. Jagtap,
Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 29.09.2022.

FINAL ORDER (Per Sandeep V. Marne, J.) :-

. The petitioner seeks arrears of salary and allowances on the post of driver with effect from 29.06.1994 in pursuance of, “work as per designation and designation as per pay scale” scheme.

2. We have gone through the provisions of the “work as per designation and designation as per pay scale” scheme introduced vide Government Resolution dated 29.09.2003. In para 1(b) as well as para 2 of the said government resolution, it is provided that the benefits under the scheme by way of pay fixation be granted to the employees from the date of G. R., but the employees shall not be eligible for grant of arrears. The petitioner is claiming arrears of pay under the scheme with effect

from 29.06.1994. This demand is untenable, firstly because the scheme itself came into effect on 29.09.2003 and secondly there is prohibition on payment of arrears under the scheme. We therefore find that the petitioner is not entitled to any arrears of pay and allowances under the scheme.

3. Consequently, we find that the petition of the petitioner is devoid of merits. It is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 22