

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7737 OF 2022

ALPANA PRADEEP KULKARNI
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

Mr.S.S.Bora, Advocate for the petitioner.
Mr.A.R.Kale, AGP for State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : JULY 26, 2022

PER COURT :

1. The petitioner has put forth prayer clauses A, B and C as under :-

“a. That this Hon’ble Court be pleased to issue a writ of mandamus or any other writ in the nature of mandamus or any order or direction under Article 226 of the Constitution of India, thereby directing the respondents to fix the basic pay of the petitioner with three non compoundable Ph.D. increments as on 21.02.2006 in view of Government Resolution dated 20.08.2010 and to amend the pay fixation done under the 6th Pay Commissions.

b. That this Hon’ble Court be pleased to issue a writ of Mandamus or any other writ in the nature of mandamus or any order or direction under Article 226 of the Constitution of India, the respondents may kindly be directed to expeditiously to carryout the rectification in the

6th Pay Commission and submit the revised pension papers with the concerned authorities.

c. That this Hon'ble Court be pleased to issue a writ of Mandamus or any other writ in the nature of Mandamus or any order or direction under Article 226 of the Constitution of India, the respondents may kindly be directed to grant all the monetary benefits on revision of applicable pension and pay salary arrears, difference in pension pay arrears and pensionary benefits alongwith @ 12% interest p.a.”

2. Our attention is drawn to a communication dated 03.03.2022, which is addressed by the Incharge Joint Director, Higher Technical Education Divisional Office, Aurangabad to the Director of the Technical Directorate, State of Maharashtra, Mumbai stating that the monetary benefits of 3 additional increments as per the 6th Pay Commission Recommendations will have to be paid to the petitioner as she has completed her Ph.D. The original service book is already submitted to the Office. Grievance is that the Office has still not responded to the same and no decision is taken despite passage of more than 4 months.

3. The learned AGP submits on behalf of the respondents that the Director would decide the said issue expeditiously.

4. In view of the above, this petition is disposed off.

5. Respondent No.2 shall take a decision in the light of the communication dated 03.03.2022 received by him, strictly in accordance with the policies applicable and as expeditiously as possible and preferably on or before 30.09.2022. The decision arrived at, would be conveyed to the petitioner on or before 15.10.2022. If the claims of the petitioner is accepted, the arrears of the monetary benefits shall be paid to the petitioner on or before 30.11.2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)