

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

WRIT PETITION NO.748 OF 2021

Sandeepkumar Subhashchandra Lahoti

Age : 33 years, Occu : Service,

R/o. E-404 (West), Kasliwal Marval

Near AGP Public School,

Beed Bypass, Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
through the Principal Secretary
of Technical and Higher Education
Department, Govt. of Maharashtra,
Mantralaya, Annex Building, Mumbai.
2. All India Council for Technical Education,
Vasant Kunj, Nelson Mandela Marg,
New Delhi
3. The Joint Director,
Directorate of Technical Education,
Regional Office, Near Government
Polytechnic, Osmanpura, P.B. No.516,
Aurangabad
4. Dr. Babasaheb Ambedkar Marathwada
University, University Campus, Aurangabad
Through its Registrar.
5. Bhagwan Shikshan Prasarak Mandal,
Dr. Y.S. Khedkar Marg, N-6, CIDCO,
Aurangabad
Through its Secretary
6. Bhagwan Shikshan Prasarak Mandal's,
Shri Bhagwan College of Pharmacy
Dr. Y.S. Khedkar Marg, N-6, CIDCO,
Aurangabad
Through its Principal

7. The Pharmacy Council of India
N.B.C.C. Centre, 3rd Floor, Plot No.2,
Community Centre, Maa Anandimai Marg,
Okhla Phase-I, Near Hotel Crown Plaza,
New Delhi. .. Respondents

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Mr. P.S. Shendurnikar, Advocate for the Petitioner
Ms. R.P. Gour, AGP for the Respondent – State
Mr. C.V. Dharurkar, Advocate for Respondent No.2
Ms. Supriya Gandhi h/f. Mr. S.G. Chapalgaonkar,
Advocate for Respondent No.4
Mr. A.M. Karad, Advocate for Respondent Nos.5 & 6
Mr. S.B. Deshpande, Advocate for Respondent No.7

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

DATE : 27-09-2022

ORAL JUDGMENT (*PER* SANDEEP V. MARNE, J.):

. Rule. It is made returnable forthwith. Learned AGP
Ms. R.P. Gour and learned advocates Mr. C.V. Dharurkar, Ms. Supriya
Gandhi h/f. Mr. S.G. Chapalgaonkar, Mr. A.M. Karad and Mr. S.B.
Deshpande waive service for the respective respondents.

2. By the present petition, the petitioner seeks extension of
benefits of 6th Pay Commission including salary and allowances in
terms of Government Resolutions dated 12.08.2009 and 20.08.2010
with effect from 01.01.2006. Mr. Shendurnikar, learned Counsel
appearing for the petitioner would fairly concede that though the

prayer is made seeking benefits of 6th Pay Commission from 01.01.2006, the same are required to be extended with effect from 16.06.2014 when the petitioner came to be substantively appointed on the post of Assistant Professor (Lecturer).

3. The issue involved in the present petition is no more *res integra*. In relation to the same college, this Court has already passed orders in **Vinayak Laxmanrao Gadhekar and Ors** Vs. **The State of Maharashtra and Ors**, Writ Petition No.11259 of 2017 decided on 28.08.2019 and **Pradip Kaduba Mokasare and Ors** Vs. **The State of Maharashtra & Ors**, Writ Petition No.11343 of 2019 decided on 30.01.2020 directing the college to implement the pay-scales prescribed by 6th Pay Commission and extend the benefits of pay to the petitioners therein from the dates of their respective appointments.

4. Mr. Karad, learned Counsel appearing for respondent nos.5 and 6 does not dispute this position. He, however, submits that the exact calculations in respect of the arrears of pay and allowances be left to be determined by the Joint Director of Education. He also invites our attention to the fact that the services of the petitioner have been discontinued with effect from 04.07.2020. He also invites our

attention to the approval order dated 14.09.2018 by which the approval to petitioner's appointment was granted with effect from 31.03.2016. He would, therefore, contend that the benefits of 6th Pay Commission pay-scales be awarded to the petitioner only from 31.03.2016.

5. Since the issue involved in the present petition is already covered by various judgments of this Court, the petitioner is entitled to be granted the benefit of 6th Pay Commission pay-scales. We are not in agreement with Mr. Karad that the benefit is to be granted from the date of approval. This Court in past judgments has extended the benefit from the date of appointment. Therefore, the petitioner would also be entitled to the benefit of 6th Pay Commission pay scale with effect from 16.06.2014 till the date he continued to work i.e. till 04.07.2020.

6. Consequently, we pass the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) Respondent nos.5 and 6 are directed to extend the benefit of 6th Pay Commission scales to the petitioner and to pay him the arrears of pay and allowances arising therefrom.

(iii) Respondent no.3 is directed to compute such arrears during the period from 16.06.2014 till 03.07.2020 within a period of eight weeks from today.

(iv) Upon receipt of such computations, respondent nos.5 and 6 to pay such arrears to the petitioner within a period of eight weeks thereafter.

(v) It is clarified that in respect of period from 04.07.2020 onwards the entitlement of the petitioner would be decided upon the final outcome of the proceeding pending before the University Tribunal.

7. Rule is made absolute in above terms.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)