

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13456 OF 2021

Vijay s/o Prabhakar Balsekar
Age: 58 years, Occu.: In service
as Sectional Engineer, Maharashtra
Jeevan Pradhikarn,
R/o. C/o. A.S. Karandikar,
31, Datta Colony, Erandol,
Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra
Through Water Supply and Sanitation
Department, G. T. Hospital Road,
New Mantralaya Mumbai
2. Member Secretary,
Maharashtra Jeevan Pradhikaran,
Express, Towers 4th Floor,
Nariman Point, Mumbai.
3. The Chief Administrative Officer,
Maharashtra Jeevan Pradhikaran,
Cidco Bhavan, Belapur Navi Mumbai.
4. Chief Engineer, (Region Nashik)
Regional Office,
Maharashtra Jeevan Pradhikaran,
Near Commissioner Office,
ISP Road, Nashik Road, Nashik

.. Respondents

...

Mr. Chandrakant Ghodke h/f Mr. G. L. Deshpande, Advocate for
petitioner.

Mrs. Vaishali Patil Jadhav, AGP for respondent No.1 - State.

Mr. A. G. Vasmatkar, Advocate for Respondent Nos.2 to 4.

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**CORAM : SMT. VIBHA KANKANWADI AND
Y. G. KHOBRAGADE, JJ.**

DATE : 18-10-2022

ORAL JUDGMENT :-

. Rule. Rule made returnable forthwith. With the consent of the learned Advocates for the respective parties, heard finally at the stage of admission.

2. Heard learned Advocate Mr. Chandrakant Ghodke holding for learned Advocate Mr. G. L. Deshpande for the petitioner, learned AGP Mrs. Vaishali Jadhav Patil and learned Advocate Mr. A. G. Vasmatkar for respondent Nos.2 to 4.

3. All of them agree to the fact that the present petition was also by the petitioner, who was similarly situated to the petitioners in **Writ Petition No.2330 of 2021 (Upendra s/o Madhavrao Kulkarni Vs. The State of Maharashtra and others)** with the companion matters, which came to be decided on 19.09.2022. It is stated that since the petitioner is similarly situated, the present petition deserves similar treatment and the learned Advocate for respondent Nos.2 to 4 has no objection for the same.

4. In view of this position, the writ petition stands allowed by directing respondents not to take into consideration the upgradation granted on the post of Sectional Engineer while considering the entitlement of the petitioners for grant of financial upgradation under the ACPS. In case the petitioners are found eligible for grant

of such financial upgradation, the consequential benefits be extended to them within a period of four months from today. The writ petition stands allowed to the above extent.

5. Rule is made absolute.

[Y. G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm