

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11274 OF 2022

BHAUSAHEB UTTAM MORE AND OTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHER

...

Advocate for the Petitioners : Shri Jadhav Chetan T.
AGP for Respondents 1 to 3 : Shri S.G. Karlekar

...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 07th December, 2022

Per Court :-

1. On 23.11.2022, we had passed the following order :-

“1. The petitioners have put forth prayer clauses (A) and (B), which read as under :-

A) By way of Writ of Mandamus or any other appropriate Writ or directions, as the case may be, the respondents may please be directed to consider the transfer of the petitioners from un-aided to aided division for approval on 100% grant in aid post (thereby modifying earlier approval orders dated 15.3.2017 and 20.3.2020).

B) By way of Writ of Mandamus or any other Writ or Order, as the case may be, the petitioners appropriate pay scale may please be declared and arrears of pay (pay difference & other financial benefits) accordingly be directed to be disbursed and service books of the petitioners may please be corrected accordingly.”

2. The learned A.G.P. submits that the pending proposal will have to be decided by respondent No.3.

3. Issue notice to respondent Nos.1, 2 and 3,

returnable on 07/12/2022. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 to 3. Respondent Nos.4 and 5 are formal parties. Hence, notice is not issued to them.

4. *We are listing this petition in the 'passing orders' category on 07/12/2022, to enable the learned A.G.P. to make a statement."*

2. The learned AGP submits that prayer clause A can be considered by respondent No.3/authority on its own merits and in the light of the policies applicable. Around eight weeks time may be granted.

3. The learned advocate for the petitioners submits, on instructions, that the petitioners are satisfied.

4. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) Let respondent No.3 take a decision on the request of the petitioner as is set out in prayer clause A, on its own merits and by considering the policies/ Government Resolutions applicable, on or before 31.01.2023.

(b) If a favourable decision is arrived at, the concerned authorities may consider the expeditious payment of monetary benefits to which the petitioners may be entitled.

(c) In the event of an adverse decision, respondent No.3 shall assign reasons while delivering a speaking order and a copy

of such order shall be served on the petitioner within 21 days
from the date of it's passing.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)