

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

WRIT PETITION NO. 12330 OF 2018

Shirish Mukundrao Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. R. Barlinge, Advocate for the Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA &
 S. G. DIGE, JJ.**

DATED : 03rd MARCH 2022.

PER COURT:-

. Mr. Barlinge, learned counsel for the petitioner submits that pursuant to the judgment delivered by this Court and the order passed in contempt petition the Director of Higher Education had sanctioned an amount of Rs. 11,00,436/- towards the arrears as payable to the petitioner pursuant to the orders of this Court. The Joint Director of Higher Education on his own and in subordination to the orders of the higher authority reduced the said amount to Rs. 7,00,000/- and odd. The same is illegal. The Director of Higher Education had rightly calculated the amount as directed by this Court in the writ petition and subsequently in the contempt petition.

2. Mr. Yawalkar, learned Addl. G. P. submits that the petitioner was given pay scale of Rs. 5200-20200 as was applicable to him. However, grade pay was calculated as Rs. 4200/-. The petitioner was entitled for the grade pay of only Rs. 2400/-. The petitioner was working as a Laboratory Assistant.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The Director of Higher Education had sanctioned an amount of Rs. 11,00,436/-. The Government had also approved it and the funds were also released to that effect. According to the Joint Director of Higher Education there was an error. The grade pay was wrongly calculated as Rs. 4200/-. The same ought to be of Rs. 2400/-. The post was an isolated post, however, it appears that the said post is not an isolated post as clarified by the Director of Higher Education. The calculation sheet is placed on record i.e. after twelve years, the petitioner was entitled for payment of Rs. 9300/- i.e. of the next promotional post and grade pay also increased accordingly to Rs. 4200/-.

5. In view of that, the Director of Higher Education had rightly calculated the amount payable to the petitioner. The same

was accepted by the Government. However, it was the Joint Director of Higher Education that had reduced the amount to Rs. 7,00,000/-.

6. In view of the above, the petitioner be paid the amount as directed by the Director of Higher Education in its order i.e. an amount of Rs. 11,00,436/-. The amount already paid be deducted and the remaining amount be paid expeditiously and preferably within a period of four (04) months from today.

7. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.