

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3626 OF 2019

Shailesh Dhama Nandgaonkar

...Petitioner

vs.

The State of Maharashtra
Thru The Secretary, Higher and
Technical Edu. And Employment
Dept. and Ors.

...Respondents

Mr. Avinash Belge - Advocate for the Petitioner

Mr. V. M. Mali - AGP for the Respondents-State (Morning session)

Mrs. P. J. Gavhane – AGP for the Respondent-State (Afternoon session for
1 and 2)

Mr. Nigel Quaireshi i/by Mr. Abhijeet Joshi – Advocate for Respondent No.
3 – AICIE

Mr. Mahesh Shukla a/w Mr. Niraj Prajapati – Advocate for Respondent
Nos. 5 and 6.

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 13th JULY, 2022

P. C. :-

1. Heard the learned counsel for the Petitioner and learned counsel for Respondent Nos. 5 and 6 and also learned counsel for the other parties.
2. The limited issue in the present Writ Petition is grant of benefit of 6th pay scale from 01/01/2006. It appears that the Petitioner has left the service in the year 2014. It is the case of the Petitioner that the Petitioner is entitled for the pay scale as per the 6th pay commission. The same is

implemented from 01/01/2006. The said amount be paid from 01/01/2006 till the Petitioner resigned from the service.

3. Learned counsel for the Respondent Nos. 5 and 6 informed that the Petitioner is paid pay scale of 6th pay from 01/08/2011 onwards. It is not a matter of debate that 6th pay scale was implemented in the State with effect from 01/01/2006.

4. In light of that, the Petitioner would be entitled for the benefit of 6th pay scale from 01/01/2006. Reliance is placed on the judgment of *Keraleeya Samajm and Anr. vs. Pratibha Dattatray Kulkarni and Ors.*¹ and the earlier judgment of the Apex Court in case of *Secretary Mahatma Gandhi Mission and Ors. Vs. Bhartiya Kamgar Sena and Ors.*²

5. The Petitioner had approached the Grievance Committee, but the Grievance Committee advised the parties to settle the issue amicably.

6. In view of that objection of the learned counsel for the Respondent that the Petitioner shall avail remedy before the College Tribunal may not subsist.

7. In light of that we pass following Order :-

- (i) Respondent Nos. 5 and 6 shall pay to the Petitioner the salary as per the 6th pay commission with effect from 01/01/2006 till the Petitioner was in its employment.
- (ii) The salary already paid shall be adjusted. The same shall be

1 Reported in Special Leave Petition © 21660-21661 of 2019 on 01/10/2021.

2 Reported in 2017 (4) SCC 449

paid expeditiously, preferably within three months.

8. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]