

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5402 OF 2021

Shri Dilip Ganpatrao Kadam and Ors. ... Petitioners

Versus

The State of Maharashtra Through its Secretary of ... Respondents
Ministry of Higher and The Technical Education

Mr. Umesh C. Kumund, Advocate for the Petitioners.

Mr. A.P. Vanarase, AGP for Respondent – State.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 30th SEPTEMBER 2022

PC. :

1. We have heard Mr. Gavnekar, learned counsel for the Petitioners. The learned Advocate submits that the Petitioners are getting less salary than their juniors similarly situated in all respects. According to him, the senior cannot be paid less salary than the junior similarly situated in all respects. The petitioners seek stepping up of pay as per the chart filed along with the writ petition (Exh.A).
2. We have heard the learned AGP also.
3. It is trite that a senior cannot be paid less than the junior similarly situated in all respects. In that case, the salary of the senior is to be stepped up to that of his junior.
4. In light of the above, we pass the following order :-

ORDER

- (i) Respective Colleges shall forward the proposal for stepping up of the salary of the Petitioners (Exh.A) to the Joint Director of Higher and Technical Education preferably within 8 weeks from the date of receipt of the order;
- (ii) The Joint Director of Higher and Technical Education shall verify the factual matrix and upon arriving at a conclusion that the junior to these Petitioners similar in all respects are paid more salary than the salary of Petitioners, the salary of the petitioners shall be stepped up so as to bring them on par with their juniors similarly placed. The said exercise shall be done preferably within three months from the dates of the receipt of the proposal;
- (iii) Both the Writ Petitions are accordingly disposed of. No costs.

(MADHAV J. JAMDAR, J)**(S.V. GANGAPURWALA, J)**