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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9875 OF 2017

Smt. Mohini Mohan Chavan .. Petitioner
v/s.
The State of Maharashtra Through
the Secretary And Ors. .. Respondents

....

Mr. Prashant Bhavake, for the Petitioner.

Mr. N.K. Rajpurohit, AGP, for State.

Mr. R.J. Dhond, for Respondent Nos. 6 and 7.

....

CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.

DATE : 17 MARCH 2022

P.C:-

Leave to file on record copies of orders is granted.

2. Rule. Rule made returnable forthwith and heard finally by consent of parties.

3. It is seen from the impugned order that the Deputy Director has rejected the proposal for grant of benefit of Senior Pay Scale to the Petitioner on the ground that the orders approving

appointment of the Petitioner for the period not covered by the orders mentioned in the impugned order were not placed before him. Now, these approval orders dated 18 October 1989, 21 July 1990, 28 August 1991 and 23 November 1992 being available have been placed on record.

4. It appears to us that had these orders been made available to the Deputy Director, his conclusion may perhaps have been different. Therefore, it is necessary that the issue is again considered in accordance with law by the Deputy Director.

5. In the result, the petition is allowed. The impugned order dated 29 December 2016 is hereby quashed and set aside. The matter is remanded back to Respondent No.4 for its fresh consideration in accordance with law. The Petitioner is given liberty to place before Respondent No.4 all the copies of approval orders. Respondent No.4 shall decide the matter at the earliest and preferably within eight weeks from the date of appearance of the Petitioner before Respondent No.4. The Petitioner shall appear before Respondent No.4 on 20 March 2022.

6. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)