

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1141 OF 2021

Dr. K. S. Venkataraghavan ..Petitioner
V/s.
The State of Maharashtra and Ors. ..Respondents

WITH
WRIT PETITION NO.1142 OF 2021

Dr. Mohammedrafi G. Sayyed & Ors. ..Petitioners
V/s.
The State of Maharashtra and Ors. ..Respondents

WITH
WRIT PETITION NO.1143 OF 2021

Dr. Pundalik E. Patil and Anr. ..Petitioners
V/s.
The State of Maharashtra and Ors. ..Respondents

Mr. Mihir Joshi for the Petitioners.
Mr. P. N. Diwan, AGP for Respondent-State.
Mr. S. R. Ronghe for Respondent Nos.5 and 6 in WP No.1141/2021.

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

DATE : 28 FEBRUARY 2022

P. C.

Heard. Rule. Rule made returnable forthwith by consent
of the parties.

2. The issue involved in these Petitions is step up of pay of the Petitioners to the level of employees who are junior in service. In similar matter in WP No.10283/2012 decided on 21/11/2013 co-ordinate Bench of this Court has taken a view that in such matters, pay of aggrieved employees must be stepped up so as to be at par with juniors employees and that there cannot be any discrimination between Senior and Junior employee only because Junior employee has acquired Ph.D degree in the course of 6th Pay Commission.

3. The facts of these petitions are identical to the facts of Writ Petition No.10283/2012 and therefore, the issue involved is squarely covered by the view taken in the said Writ Petition.

4. Learned AGP for Respondent Nos.1 to 3 and also learned counsel for Respondent Nos.5 and 6 agree. Accordingly, the Petition is allowed and Respondents are directed to take necessary action for stepping up of the Petitioners so as to bring them at par with the pay of Junior employees and accordingly, therefore pay should be re-fixed and arrears be paid to them within three months from the date of receipt of the order.

5. As regards Petitioners who had already retired, pension shall be re-fixed accordingly. Pension be paid accordingly and if any proposals are to be forwarded we direct Respondent to forward the same to the Respondent at the earliest and in any case within 4 weeks from the date of receipt of the order.

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

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)