

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1877 OF 2021

Ghanshyam Shashikant Kadali And 6 Ors. .. Petitioners

v/s.

Joint Director of Higher Education And 3 Ors. .. Respondents

....

Mr. Chetan Mali, for the Petitioners.

Mr. Abhay Patki, Addl. G.P., for Respondent State.

Ms. Anjali Helekar, a/w. Ms. Anu Kaladharan, for Respondent No.3.

....

**CORAM: NITIN JAMDAR &
AMIT BORKAR JJ.**

**DATE : 10 FEBRUARY 2022.
(Through Video Conferencing)**

P.C:-

This petition is filed for the relief that the Respondents will revise within one month from the date of the order pay of the Petitioners in consonance to the scale applicable to the promotional posts they are working. The Respondents had made a statement on 3 January 2022 that as regards 7th Pay Commission, the same has been accepted and the arrears would be calculated and formal communication would be issued. Thereafter, it was pointed out to us that formal communication will have to be issued by the Respondent University. The learned Counsel for Respondent University had taken

time and we are informed that the formal communication is now issued.

2. The learned Counsel for the Petitioners states that though it is correct that the relief, as stated by the Respondents has been extended the same is for the post of peon. The learned Counsel states that however the Petitioners are also entitled to the benefits as a clerk being the promotional post. The prayer clause does not specifically pray that the relief has to be in respect of post of clerk. There is no bifurcation as to the claim as to the post of peon and the claim as to the post of clerk and there is no segregation in that regard in the petition.

3. Therefore, as on today, since relief regarding extension of 7th Pay Commission to the post of peon has already been extended, we find no reason to keep the petition pending. If the Petitioners have any grievance remaining regarding the monetary benefits as *qua* the post of clerk, as the Petitioners contend, it is open to the Petitioners to file a separate petition. Writ petition is accordingly disposed of.

4. Since the formal order is issued and there are no impediments, we expect that the payment pursuant to the orders issued would be released within reasonable time, such as three months.

(AMIT BORKAR J.)

(NITIN JAMDAR, J.)