

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 1417 OF 2008

Subhash Namdeo Agade,
Age about 46 years, Occupation Service and
Resident of Manas Ramayana Nagari,
Khat Road, Bhandara

.... Petitioner

VERSUS

1. Maharashtra Jeevan Pradhikaran having
its Office at 4th Floor, Express Tower,
Nariman Point, Bombay-400001 through
its Member Secretary.
2. The Superintending Engineer,
Maharashtra Jeevan Pradhikaran,
Bungalow No. 70/1, Mount Road,
Sadar, Nagpur 440001.
3. Executive Engineer,
Maharashtra Jeevan Pradhikaran,
(Division Bhandara),
Behind Collector's Bungalow,
Raj Gopalachari Ward, Civil Lines,
Bhandara.
4. The Secretary,
Ministry of Finance, Secretariat,
Bombay-400032.

... Respondents

Shri Prakash D. Meghe, Advocate for the Petitioner.
Shri D. M. Kakani, Advocate for Respondent Nos. 2 and 3.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.**

DATED : 21 FEBRUARY 2022

ORAL JUDGMENT : (PER:- NITIN JAMDAR, J.)

By this Petition, the Petitioner is seeking a direction to the Respondents to fix his pay scale in the pay-scale of ₹1400-2300 with effect from 19 November 1991 i.e. from the date the Petitioner was promoted to the post of Assistant Draftsman. The Petitioner is seeking further directions to calculate the monetary benefits and to pay the same to the Petitioner.

2. The Petitioner was initially appointed as a Tracer on 30 September 1985 in the services of the Respondent- Maharashtra Jeevan Pradhikaran. According to the Petitioner, the Petitioner was promoted to the post of Assistant Draftsman on 26 November 1991. The Petitioner has compared his service record with that of one Shri A. L. Khorgade. According to the Petitioner, Shri Khorgade was junior to him and the grievance of the Petitioner in this Petition is primarily about the treatment given by the Respondents to Shri Khorgade and the pay-scale given to him. According to the Petitioner, there is discrimination made by the Respondents as regards himself and Shri Khorgade and the pay of Shri Khorgade was fixed in the pay-scale of ₹1400-2300 and he was paid from the date of his promotion however, the same has not been extended to Petitioner.

3. Reply affidavit is filed by the Respondents, in which the Respondents have given details of the service records of both i.e. Shri

Khorgade and the Petitioner. The Respondents have also given pay-scales of both i.e. Shri Khorgade and the Petitioner and the pay fixation as per Fifth Pay Commission and Sixth Pay Commission have been enumerated.

4. This Petition was filed in the year 2008. Shri Khorgade has retired from service on 31 October 2016 and the Petitioner has retired from the service on 30 September 2019. The Petitioner having retired subsequent to Shri Khorgade and at present effectively he is getting more pension than Shri Khorgade.

5. The Respondents have placed on record the details of promotion of the Petitioner and according to the Respondents it was not correctly granted and even Shri Khorgade was not eligible to hold the promotionary post as both of them have failed in the professional examination which was compulsory. If that be the position, the Petitioner cannot claim that the benefits given illegally or incorrectly to one employee, the same shall be extended to the Petitioner.

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6. Apart from this position, as on today, the Petitioner receives more amount as pension than Shri Khorgade. Also, as pointed out by the learned Counsel for the Respondents the arrears have already been paid to the Petitioner. Further inquiry in this Petition is not warranted.

7. The Writ Petition is accordingly disposed of. Rule stands discharged.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]