

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3684/2021

Yadav s/o Vinayakrao Deshmukh,
Aged 57 years, Occupation Service,
R/o. Shikshak Colony, Pinjar,
Tahsil Barshitakli, District Akola.

..... **PETITIONER**

...V E R S U S...

- 1] The State of Maharashtra through
The Chief Secretary, Finance Department,
Mantralaya, Mumbai.
- 2] The State of Maharashtra through
The Principal Secretary, Higher and Technical Education,
Mantralaya, Mumbai.
- 3] The Director of Higher and Technical Education
Department, Pune.
- 4] The Joint Director,
Higher and Technical Education Department,
Amravati.
- 5] Senior Auditor,
Joint Director Office,
Higher and Technical Education,
Amravati.

..... **RESPONDENTS**

Shri R.D.Karode, Advocate for petitioner.

Shri A.M.Deshpande, Additional Government Pleader for respondents.

CORAM : A.S.CHANDURKAR and SMT. M.S.JAWALKAR, JJ.
DATE : 23rd MARCH, 2022.

ORAL JUDGMENT (Per A.S.CHANDURKAR, J.)

- 1] **Rule.** Rule made returnable forthwith and heard learned
counsel for the parties.

2] In this writ petition the petitioner who is a non-teaching employee at an affiliated non-agricultural University seeks benefit of Government Resolutions dated 01.04.2010 and 05.07.2010 in the matter of grant of benefit under the Assured Career Progression Scheme. Since such benefit is sought to be withdrawn pursuant to Government Resolutions dated 07.12.2018 and 16.02.2019, the same are also challenged in this writ petition.

3] The learned counsel for the petitioner submits that the validity of Government Resolutions dated 07.12.2018 and 16.02.2019 was the subject matter of challenge in Writ Petition No. 5363 of 2021 (*Meghraj S/o. Annasaheb Pandit & Ors. .v/s. The State of Maharashtra, through the Chief Secretary, Mantralaya, Mumbai & Ors.*) decided on 20.01.2022 by Aurangabad Bench of this Court. Therein it was held that the aforesaid Government Resolutions would apply from the date they were issued. It is thus submitted that in the light of the aforesaid judgment, wherein it is held that the said Government Resolutions are prospective in operation, the petitioners would be entitled to similar relief. Attention is also invited to the judgment in Writ Petition No. 2894 of 2021 (*Dnyaneshwar Mahadeo Baraskar and Ors. .v/s. The State of Maharashtra, Mumbai and*

Ors.) decided on 10.02.2022 by the Nagpur Bench.

4] The learned Additional Government Pleader for the respondents relied upon the reply as filed. He however does not dispute the fact that adjudication with regard to the applicability of Government Resolutions dated 07.12.2018 and 16.02.2019 has already been done.

5] We have perused the aforesaid judgments relied upon by the learned counsel for the petitioners. In para 22, of the judgment in Writ Petition No. 5363 of 2021 at Aurangabad Bench, it has been observed thus:

“22. In the light of that, though we uphold the impugned Government Resolutions revoking the earlier Government Resolutions dated 28.12.2010 and 15.02.2011, we hold that the said impugned Government Resolutions would apply from the date of issuance of the Government Resolutions and not prior to it. We would read down the impugned Government Resolutions in a manner that they would apply from the date they are issued viz. from 07.12.2018 and 16.02.2019 respectively and would not apply to those who have already been accorded the benefits as per the Government Resolutions dated 28.12.2010 and 15.02.2011.”

6] In Writ Petition No. 2894 of 2021 the Division Bench at Nagpur has relied upon aforesaid decision and has further directed the respondents to consider implementation of pay revision in accordance

with the recommendations of the 7th Pay Commission.

7] We find that in view of the aforesaid adjudication the petitioner would be entitled to similar reliefs.

Accordingly, for the reasons recorded in Writ Petition No. 5363 of 2021 the following order is passed:

ORDER

i] It is held that Government Resolutions dated 07.12.2018 and 16.02.2019 would apply from the date the same have been issued.

ii] The respondent Nos. 3, 4 and 5 shall consider the entitlement of the petitioner for grant of benefit of pay revision as per the recommendations of the 7th Pay Commission as well as under the Assured Career Progression Scheme.

The writ petition disposed of in the aforesaid terms. Rule accordingly. No costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)

Andurkar..