

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

12 WRIT PETITION NO.2218 OF 2023

SATYAWAN GYANBA BORULE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioners : Ms. Akshara Madake, h/f Mr. S. S. Thombre.
AGP for Respondent/State : Mr. S. G. Sangle.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th February, 2023.

Per Court:

1. The petitioners have put forth prayer clauses 'B' and 'C' as under:-

“(B) By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, direct Respondent Nos.4 and 5 to immediately forward a proposal to Respondent Nos. 2 & 3 for releasing senior/revised pay scale (S-15) in view of the pay fixation done by Respondent No.5 and which is duly approved and certified by Respondent No.3; and after receipt of the same, Respondent No.3 may kindly be directed to approve the proposal and direct to release salaries of the petitioners as per the revised/senior pay scales (S-15) (as per VIIth Pay Commission recommendations) and also to pay arrears of difference of their pay, within stipulated time;

(C) Pending hearing and final disposal of this writ petition, direct Respondent Nos.4 and 5 to immediately forward a proposal to Respondent Nos. 2 & 3 for releasing senior/revised pay scale (S-15) in view of the pay fixation done by Respondent No.5 and which is duly approved and certified by Respondent No.3; and after receipt of the same, Respondent No.3 may kindly be directed to approve the said proposal and direct to release salaries of the petitioners as per the revised/senior pay scales (S-15) (as per VII th Pay Commission recommendations) and also to pay arrears of difference of their pay, within stipulated time, and for that purpose, issue necessary orders;"

2. We have considered the submissions of the learned advocate for the petitioners and the learned AGP. The pay fixation has already been done and the same is approved and certified by respondent No.3. It is prayed that respondent No.4 management and the Principal be directed to forward the proposal to respondent No.3 so as to be dealt with by following the due procedure laid down in law.

3. In view of the above, we are not issuing notice to respondent Nos.4 and 5. This petition is disposed off.

4. If there is no legal impediment, we expect respondent Nos.4 and 5 to forward the proposal of the petitioner to respondent No.3, on or before 15th March, 2023. Thereafter, respondent No.2 or

respondent No.3, as the case may be, would deal with the said proposal by following the due procedure laid down in law and arrive at an appropriate decision within 45 days.

nga

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]