

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

WRIT PETITION NO.2123 OF 2020

(Smt. Alka w/o Vasantrya Akulwar Vs. State of Maharashtra thr. its Secretary,
Ministry of Family Welfare, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. S. Sanyal, Advocate for Petitioner.
Mrs. K. R. Deshpande, AGP for Respondent 1/State.
Mr. M. I. Dhatri, Advocate for Respondent 3.

CORAM: ROHIT B. DEO AND Y. G. KHOBRADE, JJ.

DATE: 12th JANUARY, 2023.

Our attention is invited to the order dated 05.05.2022 in Contempt Petition 141/2020, and in particular to paragraphs 4 and 5, which we extract below:

4. The above referred directions though had been given to the respondent Nos.1 and 2 for extending benefits of 4th, 5th, and 6th Pay Commission recommendations to the petitioners, these directions also obliged the respondent Nos.1 and 2 to pay all similarly situated employees, the extended benefits of 4th, 5th and 6th Pay Commission recommendations, which is evident from the opinion expression by this Court which has been reproduced earlier. At the costs of repetition, we may say, the opinion expressed by this Court was that no discrimination between the employees like the petitioners and other employees of the State Government and local bodies could be

made regarding the extension of Pay Commission recommendations. Thus, it would be clear that the benefits of 4th, 5th and 6th Pay Commission recommendations are required to be extended not only to the contempt petitioner but also to all similarly situated employees of respondent No.2-Municipal Corporation, Chandrapur and responsibility for extending its benefits to all employees of respondent No.2 falls jointly and severally upon respondent Nos.1 and 2. If the respondent Nos.1 and 2 understand their joint and several responsibility in this matter and discharge responsibility by extending benefits of the 4th, 5th and 6th Pay Commission recommendations and pay the arrears in terms of judgment in question, to all the employees of respondent No.2 Corporation, multiplicity of litigation would be avoided. If respondent Nos.1 and 2 do not discharge their responsibility in such a manner, there would be other employees of respondent No.2, who would be aggrieved for not extending benefits to them, and would be compelled to again approach this Court.

5. In this view of the matter, we directly newly added respondent Nos.1 and 2 to extend benefits of 4th, 5th and 6th Pay Commission recommendations to all the similarly situated employees of respondent No.2 Corporation, in terms of the judgment dated 14.11.2019, which is a judgment in rem and hence applicable to all similarly situated employees, at the earliest and in any case on or before next date of hearing.

2. In view of the said order, which Mr. Dhattrak assures shall be complied with, and benefits extended to the petitioner, the grievance is redressed.

3. The petition is disposed of.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)

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