

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

WRIT PETITION NO.4609 OF 2022

(Prabhakar Nathhuji Wankhade and others Vs. State of Maharashtra thr. its Director,
Department of Co-operation and Marketing, Maharashtra, Marketing Directorate,
Pune 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. Chaitanya Kulkarni, Advocate for Petitioner.
Mrs. Kalyani R. Deshpande, AGP for Respondents 1 & 2/State.
Mr. V. B. Bhise, Advocate for Respondents 3 & 4.

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

DATE: 3rd FEBRUARY, 2023.

The petitioners are questioning the communication dated 13.04.2022 issued by the Secretary, Agricultural Produce Market Committee, Akot (APMC) refusing to concede to the demand of the retrospective application of the revised pay scale. The petitioners are seeking a direction that the APMC shall pay the arrears of the revised pay structure from 01.01.2006. It is common ground that the pay scales are revised by the APMC w.e.f. 01.04.2009.

2. We have heard the learned counsel for the petitioners Mr. Chaitanya Kulkarni, the learned AGP Mrs. Kalyani Deshpande for respondents 1 and 2 and the learned counsel Mr. V. B. Bhise for respondents 3 and 4, and we are satisfied that there is no semblance of right demonstrated to claim the revised pay scale

w.e.f. 01.01.2006.

3. We may refer to the Government Resolution dated 03.11.2009 issued by the State Government which stipulates that the permanent employees of the Agricultural Produce Market Committee's which have sought the permission under Rule 100 of the rules framed under the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 (Rule) may apply the revised pay scale to their employees w.e.f. 01.04.2009. We are not presently concerned with the conditions subject to which the Market Committees were permitted by the State Government to apply the revised pay structure to the permanent employees. Suffice it to mention, that the ratio of the administrative expenses to the revenue earned was an important factor.

4. The learned counsel for the petitioners invites our attention to the Circular dated 28.08.2014 to buttress the submission that the APMC was directed to apply the pay structure with effect from the date on which the State Government employees received the benefit. We do not read the circular to so suggest. *Au contraire*, the circular directs that the Market Committee's who are in a financial position to bear the burden, and whose administrative expenses are within the prescribed limit, are permitted to apply the revised pay structure from the date on which the State Government employees received the benefit. While the pay commission recommendations were made applicable to the State Government employees w.e.f. 01.01.2006, we do not

find anything in the circular dated 28.08.2014 as would create a right in favour of the employees to similar treatment.

5. We find no reason to interfere in writ jurisdiction. The petition is dismissed.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)

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