

WRIT PETITION NO. 4370 OF 2010

- Rupchand Ramji Shende,
since deceased through through his
Legal Representative.

- All above applicants (2-i) to (2-iii) are R/o Quarter No. LIG-5, Sugat Nagar, Near Dhammasugati Vipashna Centre, Post – Jaripatka, Nagpur-440014.

- 3) Chandrashekhar s/o Sopan Sontakke,
Resident of Plot No. 26, Thaware
Colony, New Subhedar Layout, Near
Ganeriwala Hospital, Post-Ayodhya
Nagar, Nagpur.

- 4) Bhagwan s/o Haribhau Doke, }
 Plot No.119-B, Bezonbagh Society, } (Dead)
 Behind Prachi Kirana Stores, }
 Nagpur – 440004. }

Bhagwan s/o Haribhau Doke, since
 dead through his Legal Representatives

- 4(i) Smt.Vanashri wd/o Bhagwan Doke, } Amended as per
 Aged about 57 years, order dt. 6-3-2020
 4(ii) Shubham s/o Bhagwan Doke,
 Aged about 25 years,
 4(iii) Himanshu s/o Bhagwan Doke,
 Aged about 22 years,

All the above petitioner Nos. 4(i)
 to 4(iii) are resident of Plot No.
 119(B), Bezonbag Society, Near
 Prachi Kirana Stores, Jaripatka,
 Nagpur – 440014.

... **PETITIONERS**

VERSUS

- 1) State of Maharashtra,
 through its Secretary, Social Justice
 Department, Mantralaya, Mumbai-32.
- 2) State of Maharashtra,
 through its Secretary, Ministry of
 Finance, Mantralaya, Mumbai-32.
- 3) Lok Shahir Annabhau Sathe Development
 Corporation Ltd., through its Managing
 Director, 22-B, Kalyani Kendra, Ashok Van
 Hanuman Tekdi, in front of Aradhana
 Building, Borivali (East), Mumbai-66.

.... **RESPONDENTS**

Mr. Anand Parchure, Counsel for the petitioners,
Mr. M.K. Pathan, AGP for respondents 1 and 2,
Mr. R.D. Heda, Counsel for respondent 3.

CORAM : ROHIT B. DEO & MR. M.W. CHANDWANI, JJ.
DATED : 31st JULY, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

Petitioners are employees of Lok Shahir Annabhau Sathe Development Corporation Limited-the third respondent which is Company incorporated under the Companies Act.

2. The petitioners claim that the third respondent is a State instrumentality.

3. We need not delve deeper in the said submission at this stage.

4. The petitioners are seeking the implementation of recommendations of the 5th and 6th Pay Commission. According to the petitioners, similarly situated corporations within the purview of Social Justice Department have received the benefits of the 5th

and 6th Pay Commission.

5. In the affidavit-in-response dated 22-6-2023, the State has taken a stand that the Ministry of Finance is moved seeking approval to apply the 5th and 6th Pay Commission recommendations to the petitioners-employees. We reproduce paragraphs 5 and 6 of the affidavit-in-response.

“5. It is further pertinent to note that in the present case, the respondent No.1 has moved an application before the respondent No.2 Ministry of Finance on 21-6-2023 seeking applicability of the 5th & 6th Pay Commission to the petitioner employees. However, the respondent No.2 has not yet decided the application preferred before it till date and same is pending.

6. As such, the present writ petition can be disposed of with the direction to the respondent No.2, the Ministry of Finance to expeditiously decide application preferred by the respondent No.1. As such in light of the above mentioned facts the writ petition can be disposed of.”

6. Considering that the employees are agitating for their perceived right since thirteen years, we dispose of the petition by directing respondents 1 and 2 to take an appropriate decision on extending the benefits of recommendations of the 5th and 6th Pay Commission to the petitioners and similarly situated employees of Lok Shahir Annabhau Sathe Development Corporation Ltd., as

expeditiously as possible, and in any event, within eight weeks. Needless to observe, we do not intend to make any observation on the narrative and the counter-narrative and the decision shall be taken on its own merit.

7. The petition is disposed of in the afore-stated terms.

(M.W. Chandwani, J.)

(Rohit B. Deo, J.)

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