

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

WRIT PETITION NO. 798/2023

(DHARMPAL DEVIDAS DHETE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri I.G. Meshram, counsel for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the R-1 to 5.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : FEBRUARY 03, 2023.

Considering the order proposed to be passed, service on the respondent no.6 is dispensed with. Learned Additional Government Pleader Shri A.S. Fulzele waives service of notice for the respondent nos.1 to 5.

The petitioner claims entitlement to graduate pay-scale being duly qualified to receive the same. The request made in that regard has been turned down by the Divisional Commissioner, Social Welfare Department, Nagpur by the order dated 02.05.2022. Against that order the petitioner has preferred an appeal before the Commissioner at Pune. The said appeal though filed on 05.05.2022 is pending.

The learned counsel for the petitioner submits that in view of Clause 3 of the Government Resolution dated 03.10.2017 such appeal has to be decided within a period of forty five days of receiving the same.

In view of aforesaid, the respondent no.3 is directed to take a decision on the petitioner's appeal preferred by him on 05.05.2022 against the order passed by the respondent no.4-Divisional Commissioner. The petitioner shall appear before the respondent no.3 on 15.02.2023. A decision on the said appeal be taken within a period of four weeks after hearing the petitioner and the decision taken be communicated to the petitioner.

With these directions, the writ petition is partly allowed and disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
by ROHIT DATTATRAYA
APTE
Signing Date: 07.02.2023 10:24