



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

Writ Petition No.6580 of 2017

1. **Sitaram S/o Makhram Jadhav,**
Aged 62 years, Occ.: Retired,
R/o Adarsh Colony, Khanapur Road,
Patur, Distt. Akola.

2. **Bharatrao S/o Vitthalrao Apotikar,**
Aged about 64 years,
Occ.: Retired,
R/o Niwara Niwas, Colony No.5,
Ring Road, P.O.- Gandhi Nagar,
Akola.

3. **Prabhakar S/o Shrirang Mohod,**
Aged 64 years, Occ.: Retired,
R/o Bhartiya Nagar,
Near Gayatri Nagar, Mothi Umri,
Akola.

4. **Govind S/o Keshavrao Pathak,**
Aged 60 years, Occ.: Retired,
R/o Vrundavan Nagar,
Akola Road, Murtizapur,
Distt. Akola.

... **Petitioners**

Versus

1. **The Zilla Parishad, Akola,**
through its Chief Executive Officer.

2. **The Divisional Commissioner,**
Amravati Division, Amravati.

3. **The State of Maharashtra,**
through its Secretary,
Rural Development and Water Conservation,
Mantralaya, Mumbai 400 032.

... Respondents

Shri P.D. Meghe, Counsel for Petitioners.

Shri B.N. Jaipurkar, Counsel for Respondent No.1.

Ms N.P. Mehta, Assistant Government Pleader for
Respondent Nos.2 and 3.

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

DATE : 25th AUGUST, 2023

JUDGMENT (PER A.S. CHANDURKAR, J.) :

1. The petitioners claim grant of pay-scale of Junior Engineer being employed with Zilla Parishad, Akola from the date they have completed 12 years' service as Mistri, Grade-II or from the date they have completed the age of 45 years. Each petitioner was appointed as Mistri, Grade-II and after completion of the age of 45 years, they have been exempted from appearing in the departmental examination. Consequently, the petitioners were granted pay-scale of Rs.5000-9000. However, when the petitioners retired, the pay-scale was reduced to Rs.4000-6000 resulting in monetary loss as well as recovery from their retiral benefits. It is in this background that the petitioners have approached this Court by filing the present writ petition.

2. By moving Civil Application No.1725 of 2023, the petitioners contend that a similar issue has been decided by this Court in Writ Petition No.6584 of 2017 (*Vinayak S/o Krishnarao Sardeshmukh and another Versus Zilla Parishad, Akola and others*) dated 20-4-2023. It has been held therein that said petitioners who were also posted as Mistri, Grade-II were entitled to higher pay-scale from the date they attained the age of 45 years and exemption was granted from appearing in the concerned examination. The said decision has been rendered after referring to various earlier decisions in that regard. It is thus submitted that in view of aforesaid decision, the petitioners are also entitled for such relief.

3. Shri B.N. Jaipurkar, learned counsel for the respondent No.1-Zilla Parishad, Akola, could not indicate any distinctive features in the case of the present petitioners and the petitioners in *Vinayak S/o Krishnarao Sardeshmukh and another* (supra).

4. We find that the petitioners are similarly placed as the petitioners in *Vinayak S/o Krishnarao Sardeshmukh and another* (supra) and hence they are also entitled to similar relief. It is undisputed that initially the petitioners were granted pay-scale of Rs.5000-9000 after exemption was granted on 27-2-2008 from passing the Junior Engineer Professional Examination. The said pay-scale was subsequently reduced when the petitioners retired. As a result, recovery has also been effected from their retiral dues. We therefore find the petitioners entitled for similar relief.

5. Hence for reasons recorded in *Vinayak S/o Krishnarao Sardeshmukh and another* (supra), it is held that the petitioners are entitled to the benefit of pay-scale of Junior Engineer from the date on which they completed 45 years of age. They shall be accordingly granted such benefit within a period of three months of receiving the copy of the judgment. In addition, the amounts recovered from their retiral dues as indicated in Annexure-I to the writ petition shall be refunded to them within a period of three months of receiving the copy of the judgment.

6. Rule is made absolute in aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)