



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

973 WRIT PETITION NO. 2279 OF 2024

NAMDEV MAROTRAO NAIK AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

....

Mr V. A. Dhakne, Advocate for Petitioners;

Mr S. K. Tambe, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 11th June, 2024

PER COURT:

1. Leave to add 'the Commissioner, Tribal Development, Nashik' as Respondent. Addition be carried out forthwith. The learned A.G.P. causes an appearance on behalf of the added Respondent.

2. The Petitioners have put-forth prayer clauses (B) and (C), as under:

"B) To direct the respondents to grant the Senior/higher pay scale to the petitioners no.1 to 4 under the Assured Career Progress Scheme on account of completion of 12 years of their services with effect from 20.06.2017,

(2)

14.06.2018, 14.06.2016 and 19.11.2010 and the petitioners no. 5 and 6 under the Modified Assured Career Progress Scheme on account of completion of 10 years of their services with effect from 18.08.2022 with all other consequential benefits, by issuing a writ of mandamus or any other appropriate writ, order or direction as the case may be.

C) To direct the respondents No.3, 4 and 5 to scrutinize and consider the proposals of the petitioners for extending the senior/higher pay scale benefits under the Assured Career Progress Scheme in the light of the Judgments passed by the Division Bench of this Hon'ble Court in writ petition no. 2358/2013 with other connected matters and writ petition no. 14091/2023, pending hearing and final disposal of this petition.”

3. In various matters, this Court has partly allowed the Petitions by issuing certain directions to the Competent Authority to carry out a verification exercise and scrutinize individual cases for grant of ACPS.

4. It is also concluded that the benefits of ACPS are available to the employees falling in the Group ‘C’ and ‘D’ non-teaching staff of the private aided Ashram Schools, in view of the Government Resolution dated 30.04.1998 and which has been modified from time to time.

5. In view of the above, **this Writ Petition is disposed off** with the following directions:-

a) The Competent Authority, which is appointed by the State Government to examine such cases, shall verify in order to be satisfied that the criteria laid down while granting ACPS benefits, has been fulfilled.

b) If the Petitioners are found to be eligible on account of satisfying the eligibility criteria, they shall be held eligible for the benefits extended under the Government Resolution dated 30.04.1998 and subsequently issued resolution.

6. We grant six months time to the said Authority to scrutinize the cases of the Petitioners for verifying their eligibility for earning the benefit of ACPS and payment thereof.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk