



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

WRIT PETITION NO. 2600 OF 2012

(State of Maharashtra and another vs. Ramesh s/o Bapuraoji Badar)

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

Court's or Judge's order

Mr.H.R.Dhumal, Assistant Government Pleader for petitioner.
None for the respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JUNE 14, 2024

Heard learned Assistant Government Pleader.

2) The respondent's Original Application No.96/2011, came to be allowed by the impugned order dated 22/09/2011.

3) A declaration was ordered in favour of the respondent employee that he is entitled to receive the benefit of Assured Progressive Scheme introduced by Government Resolution(G.R.) dated 20/07/2001 w.e.f. 01/08/2001. It is further declared that the petitioner shall be entitled to receive the higher pay scale as stipulated at Sr.No.14 in the Schedule Annexed to the G.R. dated 20/07/2001 i.e. 10000-325-15200 and the differences were directed to be paid by the petitioners to the respondent employee as he is held to be entitled to the aforesaid pay scale.

4) Amongst other, grounds which are sought to be canvassed are, – the respondent employee was initially appointed as Mechanical Supervisor on 23/02/1973 in the department of Ground Water Survey and Development Agency. The aforesaid appointment was commensurate to the

qualification i.e. Bachelor of Engineering (Mechanical) held by him. The respondent employee thereafter came to be promoted as Deputy Engineer (Mechanical) on 09/05/1979 subsequent to which no promotion was granted or conferred.

5) On 28/01/2009 under the Assured Progressive Scheme, benefits were extended by designating the applicant/respondent as Senior Drilling Engineer w.e.f. 01/08/2001 that is by virtue of the scheme being implemented by the G.R. dated 20/07/2001.

6) It is the contention of the Assistant Government Pleader that once there is an order of designating the applicant as Senior Drilling Engineer, it should have been inferred that sufficient benefits of Assured Progressive Scheme were duly conferred on the respondent employee. It is as such, claimed that the Tribunal has committed an error in interpreting the G.R. dated 20/07/2001, thereby extending the benefit of pay scale of Rs.10000-325-15200 that too without any basis.

7) According to learned Assistant Government Pleader the pay scale carried to the post of Senior Drilling Engineer which was conferred on the respondent employee under the Assured Progressive Scheme, carries pay scale of Rs.8000-275-13500 and the respondent has right to benefits of the same and that being so, the order impugned is not sustainable.

8) None appears for the respondent employee.

9) We have perused the order impugned, so also the stand taken by the petitioners before the Tribunal through their reply dated 05/07/2011. It can be gathered from the record that

the appointment of the respondent employee as Mechanical Supervisor on 23/02/1973 is not in dispute.

10) Based on his qualification, he was promoted to the post of Deputy Engineer(Mechanical) on 09/05/1979 and the respondent employee remained stagnant on the same post till he was conferred the designation of Senior Drilling Engineer w.e.f. 01/08/2001 vide order dated 28/01/2009. While he was designated as Senior Drilling Engineer, the pay scale which was attached to the post of Deputy Engineer viz Rs.8000-275-13500 was continued without there being any additional perks or monetary benefits to the petitioner.

11) The Tribunal noticed that merely by designating the respondent as Senior Drilling Engineer, it cannot be read to mean that the appropriate benefits of Assured Progressive Scheme were conferred on the respondent employee.

12) That being so, the Tribunal has allowed the Original Application preferred by the respondent employee by directing release of benefits which ought to have been conferred as per Assured Progressive Scheme introduced by G.R. dated 20/07/2001 w.e.f. 01/08/2001 entitled to pay scale of Rs.10000-325-15200.

13) The aforesaid pay scale which is attached to the post of Senior Drilling Engineer to which respondent were entitled under Assured Progressive Scheme, perhaps has prompted the Tribunal to pass the order to that effect as the Tribunal was of the view that the Scheme in question i.e. Assured Progressive Scheme introduced by G.R. dated 20/07/2001 intent to have such an object to be achieved by extending the benefits.

14) In this background, the contentions raised by the Assistant Government Pleader that by conferring designation on the respondent employee of the next post to that of the post held by him was sufficient enough to infer the compliance of Assured Progressive Scheme, cannot be accepted. In our opinion, the petition has no merit. As such, the writ petition stands dismissed. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

KOLHE