



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

WRIT PETITION NO. 5110/2024

1. Sunil Bhaurao Rathod,
Aged about 51 years,
Occ. Service as Hostel Superintendent.
2. Sanjay Shrinarayan Jaiswal,
Aged about 54 years,
Occu. Service as Sr. Clerk,
3. Baleshkumar Ramesh Parde,
Aged about 50 years,
Occ. Service as Assistant,
4. Vasant Nanu Chavhan,
Aged about 54 years,
Occ. Service as Peon,
5. Sanjay Nidan Kamble,
Aged about 52 years,
Occu. Service as Peon,
6. Raju Ganpat Dhawase,
Aged about 49 years,
Occu. Service as Peon,
7. Mahadeo Bhagwan Dakhore,
Aged about 50 years,
Occu. Service as Peon.
8. Pralhad Govinda Dhoke,
Aged about 51 years,
Occu. Service as Helper,
9. Vishnu Lalaji Mane,
Aged about 57 years,
Occu. Service as Kamathi,
10. Santosh Kilsing Rathod,
Aged about 53 years,
Occu. Service as Lab Attendant.

11. Premsingh Dhannu Rathod,
Aged about 56 years,
Occu. Service as Cook,
Nos.10 and 11
All C/o. Vasantrao Naik Madhyamik
Ashram Shala, Kinhiraja, Tah. Malegaon,
District - Washim.
12. Shankar Laxman Rathod,
Aged about 48 years,
Occu. Service as Helper,
13. Ashok Kisan Khillare,
Aged about 52 years,
Occu. Service as Cook,
Nos. 12 & 13 C/o. Baliram Appa
Gondal, Primary Ashram School,
Kinhiraja, Tah. Malegaon,
District – Washim.

... PETITIONERS

...**VERSUS**...

1. The State of Maharashtra
Through its Secretary,
Social Justice and Special Assistance
Department, Mantralaya, Mumbai – 32.
2. The Regional Deputy Commissioner,
Social Welfare Officer, Amravati Division,
Amravati.
3. The Assistant Commissioner,
Social Justice and Special
Assistance Department, Yavatmal,
Distt. Yavatmal.

...RESPONDENTS.

Mr. R. N. Ghuge, Advocate for Petitioners.

Mr. D. P. Thakare, Addl.G.P. for Respondent Nos.1 to 4/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 02/12/2024.

P. C.

. **Rule.** Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioners are seeking second benefit under the Assured Career Progression scheme in terms of the Government Resolution dated 02.03.2019.

3. The petitioners seek to rely upon the orders dated 15.01.2018 passed in Writ Petition No.7123/2017 (Vikas B. Jadhav and ors. vs. State of Maharashtra and ors.) and order dated 25.11.2019 passed in Writ Petition 7118/2017 (Gopal Ananda Shinde vs. State of Maharashtra and ors.). Undisputedly, the petitioners have received the first benefit in terms of the said scheme.

4. It is to be noted that in the meanwhile, vide Government Resolution dated 02.03.2019 the Assured Career Progression Scheme has been modified. The benefit of Assured Career Progression Scheme under the recommendations of the Seventh Pay Commission is admissible after a period of 10/20/30 years of service respectively. The Scheme has been made applicable from 01.01.2016.

5. In view of the aforesaid, we find that the following order would serve the interests of justice:

(i) The respondents shall examine entitlement and eligibility of the petitioners to receive the second benefit under the Assured Career Progression Scheme in light of the Government Resolution dated 02.03.2019 and other relevant Government Resolutions. The respondents shall consider the aforesaid entitlement within a period of

eight weeks of receiving copy of this order. If the petitioners are found entitled to receive such benefit, the same shall be released in their favour within a period of four months of such decision being taken.

6. Rule stands disposed of in aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)