



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2339 OF 2021

Smt. Jaya Gajanan Bhangale .. Petitioner

versus

The State of Maharashtra & others .. Respondents

Mr. Gaurav Deshpande, Advocate for the Petitioner.

Mrs. P. J. Bharad, AGP for the State.

Mr. V. G. Vasmatkar, Advocate for Respondent Nos. 2 and 3.

**CORAM : ALOK ARADHE, C.J. &
S. G. CHAPALGAONKAR, J.**

DATE : 20th MARCH, 2025.

PER COURT :

1. In this Writ Petition, the Petitioner *inter alia* prays for the following reliefs :-

- A. Rule may kindly be issued.
- B. The respondent may kindly be directed to decide the representation of the petitioner dated 30/07.2020.
- C. It be declared that the denied of second benefit under Maharashtra Assured Career Progress Scheme with reference to an exercise of cadre reconstruction and the reference to an exercise of cadre reconstruction and the revisions in pay scale in the year 1984 may kindly be declared as void.

D. It be declared that upgradation under G.R. dated 16/04/1984 does not constitute grant of non functional pay scale and can not be treated as first benefit within the meaning of clause 2(b)(3) of GR dated 01/04/2010.

E. The respondent may kindly be directed to apply same parameters to all the employees working in one department.

F. Respondent may kindly be directed to re-fixed the pay of the petitioner considering the petitioner's husband in the pay scale of executive engineer on completion of 24 years of services from the date of the petitioner's husband getting up-gradation as sectional engineer i.e. from 01/04/1986 i.e. 01/04/2010 as prayed in the representation dated 30/07/2020.

G. The respondent may kindly be directed to pay the difference after re-fixation of the petitioner's husband to be promoted on 01/04/1986 to the post of executive engineer.

H. The petitioner being wife of the ex-employee of the respondent, the petition being only for monetary benefits for which the petitioner was entitled hence the petitioner be permitted to raised the grievance on behalf of her deceased husband.

I. Any other relief in the interest of justice may kindly be granted.

2. Learned counsel for the parties jointly submit that the issue involved in this Writ Petition is no longer *res integra* and has been decided by a Division Bench of this Court by order dated 19.09.2022 passed in Writ Petition No. 2330/2021.

3. In view of the aforesaid submissions and for the reasons assigned by the Division Bench of this Court in the aforesaid order, the Writ Petition is allowed by directing Respondents not to take into consideration the upgradation granted on the post of Sectional Engineer while considering the entitlement of the Petitioner for grant of financial upgradation under the ACPS. In case the Petitioner is found eligible for grant of such financial upgradation, the consequential benefits be extended to them within a period of four months from today. The Writ Petition is allowed to the above extent.

(S. G. CHAPALGAONKAR, J.)

(CHIEF JUSTICE)