



2609-2023

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

WRIT PETITION NO. 2609 OF 2023

**(Govind Suryabhan Raut Vs. Secretary/Administrator, Agriculture Produce Market
Committee, Yavatmal)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.C. Dharmadhikari, Counsel for the petitioner.
Mr. V.D. Darne, Counsel for the respondent (through VC).

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CORAM : ANIL L. PANSARE, J.
JANUARY 15, 2025

After having heard for some time, it appears that the Industrial Court has refused to grant relief of 6th pay commission to the petitioner from 1/6/2006 on the ground that the Directorate of Marketing, State of Maharashtra, Pune, issued Notification, whereby payment under 6th pay commission is/was made applicable to the employees of the respondent with effect from 1/4/2009. The petitioner retired on superannuation on 29/2/2008.

2] In the circumstances, the respondent could not be blamed for not extending benefit of 6th pay commission from 1/6/2006. The respondent herein is bound by the said Notification and, therefore, cannot be blamed to have not extended the benefit, as prayed for by the petitioner. The petitioner appears to have not challenged the Notification dated 3/11/2009 issued by the Directorate of Marketing, State of Maharashtra, Pune.

3] At this stage, the learned Counsel for the petitioner submits that the purpose will be served if the

petitioner is permitted to challenge the aforesaid Notification.

4] The request appears to be reasonable, in the sense, if the Government of Maharashtra has decided to extend benefit of pay vide 6th pay commission with effect from 1/6/2006, there appears no reason why should the persons, like the petitioner, who are working with the Agricultural Produce Market Committee, not get such benefit from the said date, of course, subject to testing the legality of Notification dated 3/11/2009. If the petitioner succeeds in the challenge, he may thereafter approach appropriate Court/authority for further relief.

5] With the above observations, the petition is dismissed with liberty to the petitioner, as prayed for. No order as to costs. All points are kept open.

(ANIL L. PANSARE, J.)

Sumit