



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

WRIT PETITION NO.5855 OF 2023

Shri Vikas Ramrao Gabhane, Kharbi Square, Nagpur and ors.

-VS-

State of Maharashtra, Thr. Chief Secretary, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri S. D. Khati, Advocate for petitioners.

Shri S. M. Ghodeswar, Assistant Government Pleader for respondent Nos.1 and 2.

Shri S. M. Puranik, Advocate for respondent No.3.

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

DATE : March 27, 2025

P. C.

1. Heard.

2. The prayers in the petition are as under :

“ i) *issue appropriate writ, order or direction to the respondents to grant benefits admissible as per financial upgradation under ACP & MACP Scheme by ignoring non-functional upgradation granted admissible on post of Sectional Engineer in terms of judgments of this Hon'ble Court and Government Resolutions dated 02/03/2019 and 07/10/2022 (Annexure-6 & 7 to the petition) in favour of petitioners, in the interest of justice;*

ii) *direct the respondents to pay the arrears if any applicable to the petitioners and also grant benefits under ACP & MACP Scheme on account of completion of 30 years of service, in the interest of justice;*

iii) *allow the petition with costs ;*

iv) *grant any other relief which deemed fit including that of the costs in the facts and circumstances of the present case.*

2. In response to the above mentioned prayers, the respondent No.3-Nagpur Municipal Corporation/employer has filed the reply and in the affidavit sworn by the Assistant Commissioner, (GAD), Nagpur

Municipal Corporation on 22/07/2024, it is claimed that the claims of the petitioners will be verified in the light of the Government Resolution dated 07/10/2022 pursuant to which the Administrator has passed Resolution No.65 dated 11/06/2024 and consequential Circular dated 18/06/2024.

3. In view of the affidavit referred above, the grievance of the petitioner is informed to have been redressed.

4. We direct the respondents to take a decision on the issue and communicate the same to the petitioners within a period of eight weeks from today and in case if the order is adverse to the interest of the petitioners, liberty is granted to approach afresh.

5. In view of the above, the writ petition stands disposed of with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)