



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

WRIT PETITION NO. 3661 OF 2024

PETITIONER : Shri Deorao Balu Rathod, Aged about 55 years, Occu.Service, R/o. Balaji Nagar, Mehkar, Dist.-Buldana.

-Versus-

RESPONDENTS :

1. The Chief Executive Officer, Zilla Parishad Buldana, Tq.& Dist. Buldana.
2. The Divisional Commissioner, Camp Area, Amravati.
3. The Executive Engineer, Works Division, Buldana, Tq.& Dist. Buldana.

Mr.S.V.Kulkarni & Ms Sunita Kulkarni, Advs.for the petitioner
Ms.Vaishali Khadekar, Adv. for the respondent No.1
Ms Kavita Bhondge, AGP for respondents-State.

**CORAM: SMT. M. S. JAWALKAR &
RAJ D. WAKODE, JJ.**

DATE : 17TH SEPTEMBER, 2025

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. The petitioner by this petition is seeking direction to quash and set aside the corrigendum issued by respondent No.1-Chief Executive Officer, Buldhana dated 17/07/2023 and the order of respondent No.2-Divisional Commissioner dated 26/03/2024.

4. The petitioner came to be appointed on the post of Muster Clerk on 29/03/2003 in Zilla Parishad, Buldhan, Construction Division. He was confirmed in the said post as Muster Clerk on 17/02/2004. On 22/06/2007, the State of Maharashtra issued circular and thereby declared that the employees, those who have completed 12 years in the service either age of 45 years should be given a time bound promotion under Time Bound Promotion Scheme as Junior Engineer Assistant and thereby pay grade should be applicable as that of Junior Engineer Assistant in Zilla Parishad.

5. On 11/04/2016, the Chief Executive Officer, Zilla Parishad Buldhana issued an order, thereby given the higher pay grade salary i.e. first benefit under Assured Career Progression Scheme. On 28/02/2017, the State of Maharashtra issued circular, by which the respondents denied the benefit of pay grade of Junior Engineer Assistant. In view thereof, the other employees challenged the same before this Court in Writ Petition No.6788 of 2013 and others, wherein this Court directed to grant first benefit of Assured Career Progression

Scheme to all those employees who have completed 12 years of service and 45 years of age and they be exempted from the professional examination. In view thereof, the petitioner seeks direction to the respondents to grant the benefit of first Assured Career Progression Scheme in the pay grade of Junior Engineer Assistant.

6. Thereafter on 23/02/2022, the respondent-Zilla Parishad Buldhana granted promotional scale as Junior Engineer Assistant to the petitioner along with other nine employees. Thereafter on 17/07/2023, respondent No.1 issued corrigendum and declared that the earlier order dated 14/06/2019, by which the petitioner has been appointed in the post of Junior Engineer Assistant and has been granted higher pay scale is refused. By this corrigendum dated 17/07/2023, it was declared that the petitioner is entitled for first Assured Career Progression Scheme benefit from 26/10/2017. The said order is under challenge along with the order passed by the Divisional Commissioner, Amravati, which has maintained the corrigendum issued by respondent No.1.

7. The learned counsel for the petitioner placed reliance on judgment in **Writ Petition No.5164 of 2021 (Dipak S/o Shankarrao Phule and other v. The State of Maharashtra and others)** date 26/08/2024 and also communication dated 22/06/2007 issued by the

State of Maharashtra to all Divisional Commissioner, whereby the State Government granted approval for merging of the posts of Mistri Grade-1, Road Karkun, Muster Clerk, Time Keeper and Draftsman in one cadre of Junior Engineer Assistant. They have granted pay scale of Junior Engineer Assistant and also granted higher pay after 12 years of service of the Assistant Engineer. Considering this communication and as the petitioner was appointed in the year 2003 as Muster Clerk, his 12 years service is required to be counted from that date. What benefit is granted by letter dated 14/06/2019 was proper whereas the corrigendum issued is contrary to the GR and communication issued by the State Government.

8. The petitioner also relied on judgment in **Writ Petition No.4915 of 2012 (Ramkrushna Bhikaji Thakare and others v. The Zilla Parishad, Buldhana and others)** dated 19/09/2013, wherein this Court held in paras-9 and 12 as under:

“9] It can thus be seen that the Division Bench of this Court has clearly held that after an employee completes 12 years continuous service in the cadre of Civil Engineering Assistant and if he has completed 45 years of his age, the Chief Executive Officer would be entitled to consider his case for grant of exemption from appearing in the professional qualifying examination. Undisputedly, in the present case the Chief Executive Officer-respondent no.1, after finding that the petitioners has completed 12 years continuous service in Mistri Grade-i, Mistry Grade-II, Tracer etc., therefore, rightly

considered the various Circulars and vide order dated 13th April 2010 had granted exemption to the petitioners from appearing in the professional examination and also granted them pay scale of Junior Engineer.”

“12] In that view of the matter, we find that the Chief Executive Officer-respondent no.1 had rightly passed the order dated 13th April 2010 of granting higher pay scale to the petitioners upon completion of 12 years of service in the cadre of Mistri Grade-I, Mistri Grade-II, Muster clerk, Time keeper, Draftsman, Tracer etc. and attaining the age of 45 years. It is to be noted that upon completion of 45 years of age the Chief Executive Officer is empowered to grant exemption from appearing in the professional examination.”

8. Thus, the impugned corrigendum dated 17/07/2023 issued by respondent No.1-Zilla Parishad, Buldhana and order dated 26/03/2024 issued by respondent No.2-Divisional Commissioner, Amravati are liable to be quashed and set aside, as they are not in conformity with the various orders passed by the State Government. Accordingly, we proceed to pass the following order.

- (i) The petition is allowed.
- (ii) The impugned corrigendum dated 17/07/2023 issued by respondent No.1-Zilla Parishad, Buldhana and order dated 26/03/2024 issued by respondent No.2-Divisional Commissioner, Amravati are hereby quashed and set aside.
- (iii) The earlier order dated 14/06/2019 granting first benefit of Assured Career Progression Scheme is hereby confirmed.

(iv) The petitioner is entitled to all benefits as per the order dated 14/06/2019.

(v) The petition stands disposed of in the above terms.

10. Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J)

(SMT.M. S. JAWALKAR, J)