



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

WRIT PETITION NO.2413/2025

(Govind Suryabhan Raut Vs. State of Maharashtra and others)

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, Advocate for the petitioner.
Mr. I.J. Damle, A.G.P. for respondent Nos.1 and 2.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 5.5.2025.

Heard.

2. The petitioner, an employee of the respondent No.3 Agricultural Produce Market Committee, post superannuation has approached this Court seeking relief of the benefit of 6th Pay Commission by quashing the Circular dated 3.11.2009. Mr. Dharmadhikari, learned Advocate for the petitioner, has invited our attention to the Circular dated 20.8.2014 so as to claim that the Circular dated 3.11.2009 stood modified and as such, the petitioner is entitled for the benefit. According to him, the petitioner has every right to seek the benefit in view of the order dated 15.1.2025 passed by the learned Single Judge in Writ Petition No.2609/2023.

3. The fact remains that the petitioner had an occasion to agitate his grievance before the Industrial Court in ULP No.205/2018. The said complaint was dismissed and the order was upheld by the learned Single Judge in Writ Petition No.2609/2023 decided on 15.1.2025. On request made by the petitioner though the learned Single Judge has granted liberty to the petitioner to question the Circular dated 3.11.2009, we are required to be sensitive to the

provisions of Order II Rule 2 of the Code of Civil Procedure as at the relevant time it was always open for the petitioner to seek benefit agitating modification of the Circular dated 3.11.2009 by the Circular dated 20.8.2014. Such benefit was never sought by the petitioner.

4. Apart from above, in the Circular of 2009 the authority i.e. Director of Marketing has fixed a cut-off date where-after the benefits of 6th Pay Commission are extended. It is not in dispute that the authorities are not empowered to fix such cut-off dates. As such, fixing of cut-off date by Circular dated 3.11.2009 cannot be faulted with as the said issue is settled in catena of judgments. Authoritative support can be drawn from the judgment in case of D.S. Nakara and others V/s. Union of India reported in **AIR 1983 SC 130**.

5. In the aforesaid background, there is no substance in the petition. It is dismissed accordingly. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)