



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

WRIT PETITION NO. 145/2024
WITH
WRIT PETITION NO. 5408/2023
WITH
WRIT PETITION NO. 2272/2023
AND
WRIT PETITION NO. 3692/2021

WRIT PETITION NO. 145/2024

Gajanan S/o Mahadeorao Jarad,
Aged about 74 years, Occ.
Retired, R/o. 6, Maharudra
Apartments, Sutala (Khurd),
Khamgaon, District BuldhanaPETITIONER(S)

// VERSUS //

(1) Zilla Parishad, Buldhana,
Through its Chief Executive
Officer

(2) Divisional Commissioner,
Amravati Division, Amravati

(3) State of Maharashtra,
Through Secretary, Department
of Rural Development and
Water Conservation, Bandkaam
Bhawan, Marzbanpat, Mumbai

.....RESPONDENT(S)

WITH
WRIT PETITION NO. 5408/2023

Kailash Virchand Bangade,
Aged about 71 years, Occ.
Retired, R/o. Lakhani Chowk,
Malkapur, District Buldhana

.....PETITIONER(S)

// VERSUS //

(1) The State of Maharashtra,
Through its Secretary for Rural
Development Department,
Mantralaya, Mumbai

(2) The Zilla Parishad, Buldhana,
Through its Chief Executive
Officer, Tq. & District Buldhana

.....RESPONDENT(S)

WITH
WRIT PETITION NO. 2272/2023

(1) Tulshiram S/o Kisan Dhore,
Aged about: 71 years, Occ.
Retired, R/o Samta Housing
Society Layout, At. Po. Tah-
Khamgaon, Dist. Buldhana.

(2) Baburao s/o Rambhau Tayde,
Aged about: 73 years, Occ.
Retired, R/o At. Post-
Pahurjeera, Tah. Shegaon, Dist.
Buldhana.

- (3) Panjabrao S/o Apparao Deshmukh, Aged about 72 years, Occ. Retired, R/o Civil Colony, Mahadev Mandir Road, At-Post-Tah. Deulgaoraja, Dist. Buldhana
- (4) Pandhari S/o Aatmaram Susar, Aged about 72 years, Occ. Retired, R/o Ward No. 5, Rajmata Jijau Nagar, Near Gajanan Temple, At.-Post-Tah. Chikhli, Dist. Buldhana
- (5) Madhav S/o Rajeshwar Agnihotri, Aged about 70 years, Occ. Retired, R/o Behind Balaji Temple, Balaji Faras, At-Post-Tah. Deulgaon Raja, Dist. Buldhana.
- (6) Indubai w/o Shivaji Konduji Rajguru, Aged about 65 years, Occ. Retired, R/o Santaji Nagar, At-Post-Tah. Mehkar, Distt. Buldhana.
- (7) Bhagatsing S/o Babusing Solanke, Aged about 60 years, Occ. Retired, R/o Plot No. 22 A, Near Ganpati Temple, Mohan Colony, Arjun Nagar, Shivaji Nagar, Post-Tah-Amravati, Distt. Amravati.

- (8) Kondu S/o Rajaram Mehkarkar,
Aged about 70 years, Occ.
Retired, R/o Near Shrikrushna
Temple, At-Post-Tah. Mehkar,
Distt. Buldhana.
- (9) Pandit S/o Bajirao Deshmukh,
Aged about 70 years, Occ.
Retired, R/o. At-Post-Jaipur,
Tah. Motala, Dist. Buldhana.
- (10) Murlidhar S/o Shivajirao Jadhav,
Aged about 71 years, Shivaji
Nagar, At-Post-Tah. Malkapur,
Dist. Buldhana.
- (11) Prakash S/o Ramlal Jaiswal,
Aged about 71 years, Occ.
Retired, R/o. Gandhi Nagar,
At.Post-Tah. Chikhali, Distt.
Buldhana.

.....PETITIONER(S)

// VERSUS //

- (1) Zilla Parishad, Buldhana,
Through its Chief Executive
Officer
- (2) Divisional Commissioner,
Amravati Division, Amravati
- (3) State of Maharashtra,
Through Secretary, Department
of Rural Development and
Water Conservation, Bandkaam
Bhawan, Marzbanpat, Mumbai

.....RESPONDENT(S)

AND
WRIT PETITION NO. 3692/2021

- (1) Narayan S/o Gadipant Singam,
Aged about 69 years, Occ.
Retired, R/o Near Old Bus Stop,
Nagbhid, Dist. Chandrapur.
- (2) Gautam S/o Kisan Waghmare,
Aged about: 62 years, Occu.
Retired, R/o Behind
Bhawanjibhai Chavhan High
School, Tukkum, Chandrapur,
Tq. and Distt. Chandrapur.
- (3) Daulat S/o Ramchandra Kude,
Aged about: 64 years, Occu.
Retired, R/o At Post Kothari,
Tah. Ballarshah, Dist.
Chandrapur.
- (4) Mahadeo S/o Dhonduji Wagh,
Aged about: 68 years, Occu.
Retired, R/o Jijamata Ward,
Santaji Nagar, Bawane Layout,
Wani Bypass Road, Warora,
Tah. Warora, Distt.
Chandrapur.
- (5) Kushab S/o Konduji Dhonge,
Aged about: 64 years, Occu.
Retired, R/o Manora, Post.
Manora, Tah. Ballarshah, Dist.
Chandrapur.

- (6) Vinayak S/o Prabhudas Ramteke, Aged about: 58 years, Occu. Service, R/o Christian Colony, Panchsheel Chowk, Jatpura Ward No. 4, Tq. and Dist. Chandrapur.
- (7) Gautam S/o Raghunath Gawande,
Aged about: 65 years, Occu. Retired, R/o Back side of Railway Station (Umri), Tadali, Tah. & Dist Chandrapur.
- (8) Kailash S/o Ganpath Nimbalkar, Aged about: 58 years, Occu. Retired, R/o Vikasnagar, Near Anandwan, Post. Anandwan, Tah. Warora, Distt. Chandrapur.
- (9) Sadananad S/o Nanaji Chilke, Aged about: 64 years, Occu. Retired, R/o. MHADA Colony, 1st Floor, DSK Green, Near Water Tank, New Chandrapur, Datala, Tah. & Dist. Chandrapur.
- (10) Pandurang S/o Bajirao Pardhi, Aged about: 67 years, Occu. Retired, R/o Rajiv Gandhi Chowk, Near Mata Mandir, Korpana, Tah. Korpana, Distt. Chandrapur.

- (11) Rajvilas S/o Dattatray Gadewar,
Aged about: 69 years, Occu.
Retired, R/o J.B. Nagar,
Makrand Lawn Road,
Chandrapur, Tah. & Dist.
Chandrapur
- (12) Pitambar S/o Mahadeo
Nagdevate,
Aged about: 64 years, Occu.
Retired, R/o Pimpalneri Road,
Wadala Paiku, Chimur, Tah.
Chimur, Distt. Chandrapur
- (13) Nimba S/o Trayambak Patil,
Aged about: 68 years, Occu.
Retired, R/o Plot No. 14, Gat
No. 90, Dadawali Jalgaon, Tah.
& Dist. Jalgaon.
- (14) Subhash S/o Mahadeo Bankar,
Aged about: 64 years, Occu.
Retired, R/o. Near Dr. Arora
Hospital, Ganjward,
Chandrapur, Tah. & Dist.
Chandrapur.
- (15) Maroti S/o Dadaji Mandwagade,
Aged about: 67 years, Occu.
Retired, R/o Plot No. 51, Vijate
Layout Abhyankar Ward,
Warora, Ta. Warora, Dist.
Chandrapur.

- (16) Gajanan S/o Dopaji Poreddiwar,
Aged about: 64 years, Occu.
Retired, R/o Bahadur Fata,
Pendharkar College Road, Goni
Sim, Nagpur, Tq. & Dist.
Nagpur.
- (17) Vitthal S/o Hari Patil, Aged
about: 68 years, Occu. Retired,
R/o. In front of S.T. Workshop,
Samta Colony, Chandrapur, Tq.
and Distt. Chandrapur.
- (18) Vijay S/o Govindrao
Wannakwar, Aged about: 62
years, Occu. Retired, R/o.
Swami Vivekanand Nagar,
Ward No. 14, Post-Mul,
Tah. Mul, Distt. Chandrapur.
- (19) Siddharth S/o Nagoji
Ghonmode,
Aged about: 63 years, Occu.
Retired, R/o At. Navegaon,
Shivaji Ward, Gramsevak
Colony, Post. Mudajha, Tah. &
Dist. Gadchiroli.
- (20) Ashok S/o Shrihari Rajurwar,
Aged about: 68 years, Occu.
Retired, R/o. Ward No. 15,
Ravindra Tagore Marg, Mul,
Tah. Mul, Distt. Chandrapur.

(21) Ramesh S/o Tukduji Waghmare,
Aged about: 67 years, Occu.
Retired, R/o Sulezari (Nagbhid),
Post. Nagbhid, Tah. Nagbhid,
Dist. Chandrapur.

(22) Abhay S/o Ganpati Meshram,
Aged about: 65 years, Occu.
Retired, R/o Aarmori Road,
Lumbini Nagar, Bramhapuri,
Tah. Bramhapuri, Dist.
Chandrapur.

(23) Hemlata Wd/o Jiwaji
Undirwade,
Aged about: 65 years, Occu.
Housewife, R/o. at Delanwadi
(Bramhapuri) Post. Bramhapuri,
Ta. Bramhapuri, Distt.
Chandrapur.

(24) Indira Wd/o Balaji Nandurkar
Aged about: 65 years, Occu.
Housewife, R/o. Near Clinic of
Dr. Ganvir, Bramhapuri, Post
and Tq. Bramhapuri, Distt.
Chandrapur.

(25) Tarabai wd/o Kashinath
Tumram,
Aged about: 68 years, Occu.
Housewife, R/o Sulezari
(Nagbhid), Tah. Nagbhid, Distt.
Chandrapur.

.....PETITIONER(S)

// VERSUS //

- (1) Zilla Parishad, Chandrapur,
Through its Chief Executive
Officer
- (2) Divisional Commissioner,
Nagpur Division, Nagpur
- (3) State of Maharashtra,
Through Secretary, Department
of Rural Development and
Water Conservation,
Mantralaya, Mumbai-32RESPONDENT(S)

.....
 Shri P.D. Meghe & Shri S.M. Vaishnav, Advocates for the
 Petitioner(s)
 Shri H.D. Futane & Ms. H.N. Jaipurkar, AGPs for the
 Respondent/State
 Shri S.V. Sohoni and Ms. V. Khadekar, Advocates for the
 Respondent – Zilla Parishad

CORAM : M.S. JAWALKAR & NANDESH S. DESHPANDE, JJ.
CLOSED FOR JUDGMENT ON :- JANUARY 21, 2026
JUDGMENT PRONOUNCED ON :- FEBRUARY 12, 2026

JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally
 by consent of learned Counsel for the respective parties.

(2) By all these Petitions, the Petitioners are challenging the orders passed by the Chief Executive Officers, Zilla Parishads Buldhana and Chandrapur and praying for granting the pay scales of Deputy Engineer to the Petitioners by way of second time bound promotional benefit. All the Petitioners have worked with the Zilla Parishads Buldhana and Chandrapur. Details of the Petitioners in all the Petitions with regard to their appointments, promotions and retirements are as under:-

Sr. No.	Names	Posts	Date of app't	Date of first Promotion	Date of second promotion	Date of Retirement
1.	Gajanan Mahadeorao Jarad	Tracer	02/11/1979	12/08/1995	12/08/2008	30/08/2008
2.	Kailash Virchand Bangade	Mistry-II	10/09/1980	05/11/1998		
3.	Tulshiram Kisan Dhore	Civil Engineering Assistant	15/06/1982	01/07/1997	19/09/2019	01/07/2009
4.	Baburao s/o Rambhau Tayde	Civil Engineering Assistant	23/03/1971	01/10/1994	19/09/2019	31/05/2007
5.	Panjabrao s/o Apparao Deshmukh	Civil Engineering Assistant	05/02/1971	25/07/1995	19/09/2019	31/07/2008
6.	Pandhari s/o Aatmaram Susar	Civil Engineering Assistant	05/03/1974	06/03/1995	19/09/2019	31/03/2008
7.	Madhav s/o Rajeshwar Agnihotri	Civil Engineering Assistant	12/02/1974	04/07/1997	19/09/2019	31/07/2010
8.	Shivaji S/o Konduji Rajguru (deceased) Indubai W/o Shivaji Rajguru	Civil Engineering Assistant	16/02/1974 (Rajguru)	27/02/1997	19/09/2019	28/02/2010
9.	Bhagatsing s/o Babusing Solanke	Civil Engineering Assistant	25/06/1990	25/09/2006	16/09/2019	30/09/2019

10.	Kondu s/o Rajaram Mehkarkar	Civil Engineering Assistant	15/12/1969	--	08/07/2020	31/10/2009
11.	Pandit s/o Bajirao Deshmukh	Civil Engineering Assistant	19/10/1970	--	08/07/2020	30/04/2010
12.	Murlidhar s/o Shivajirao Jadhav	Civil Engineering Assistant	27/02/1971	--	08/07/2020	31/07/2010
13.	Prakash s/o Ramlal Jaiswal	Civil Engineering Assistant	12/09/1974	--	27/04/2021	30/09/2008
14.	Narayan s/o Gadipant Singam	Civil Engineering Assistant	03/03/1979	01/10/1994	01/10/2006	30/04/2020
15.	Gautam s/o Kisan Waghmare,	Civil Engineering Assistant	16/03/1985	01/04/1997	01/04/2009	30/11/2016
16.	Daulat s/o Ramchandra Kude	Civil Engineering Assistant	19/06/1981	01/10/1994	01/10/2006	31/03/2015
17.	Mahadeo s/o Dhonduji Wagh	Civil Engineering Assistant	12/01/1982	01/10/1994	01/10/2006	31/10/2011
18.	Kushab s/o Konduji Dhonge	Civil Engineering Assistant	23/03/1979	01/10/1994	01/10/2006	30/06/2015
19.	Vinayak s/o Prabhudas Ramteke	Civil Engineering Assistant	02/01/1985	01/04/1997	01/04/2009	30/09/2021
20.	Gautam s/o Raghunath Gawande	Civil Engineering Assistant	02/01/1985	01/04/1997	01/04/2009	30/11/2013
21.	Kailash s/o Ganpath Nimbalkar	Civil Engineering Assistant	16/03/1985	01/04/1997	01/04/2009	28/02/2021
22.	Sadananad s/o Nanaji Chilke	Civil Engineering Assistant	16/03/1985	01/04/1997	01/04/2009	31/08/2015
23.	Pandurang s/o Bajirao Pardhi	Civil Engineering Assistant	10/01/1985	01/04/1997	01/04/2009	31/08/2012
24.	Rajvilas s/o Dattatray Gadewar	Civil Engineering Assistant	16/09/1971	01/10/1994	01/10/2006	30/06/2010
25.	Pitambar s/o Mahadeo Nagdevate	Civil Engineering Assistant	16/03/1985	01/04/1997	01/04/2009	31/05/2015

26.	Nimba s/o Trayambak Patil	Civil Engineering Assistant	01/03/1979	01/10/1994	01/10/2006	03/11/2010
27.	Subhash s/o Mahadeo Bankar	Civil Engineering Assistant	07/01/1982	01/10/1994	01/10/2006	31/12/2013
28.	Maroti s/o Dadaji Mandwagade	Civil Engineering Assistant	02/02/1981	01/10/1994	01/10/2006	31/01/2012
29.	Gajanan s/o Dopaji Poreddiwar	Civil Engineering Assistant	06/01/1982	01/10/1994	01/10/2006	28/02/2015
30.	Vitthal s/o Hari Patil	Civil Engineering Assistant	03/03/1979	01/10/1994	01/10/2006	31/03/2011
31.	Vijay s/o Govindrao Wannakwar	Civil Engineering Assistant	16/03/1985	01/04/1997	01/04/2009	31/05/2017
32.	Siddharth s/o Nagoji Ghonmode	Civil Engineering Assistant	21/03/1985	01/04/1997	01/04/2009	31/03/2016
33.	Ashok s/o Shrihari Rajurwar	Civil Engineering Assistant	21/11/1978	01/10/1994	01/10/2006	30/06/2011
34.	Ramesh s/o Tukduji Waghmare	Civil Engineering Assistant	16/05/1980	01/10/1994	01/10/2006	31/01/2012
35.	Abhay s/o Ganpati Meshram	Civil Engineering Assistant	22/06/1981	01/10/1994	01/10/2006	30/06/2014

(3) The details of the deceased employees employed with the Respondent – Zilla Parishad are as under:-

Sr. No.	Names	Names of wives of employees	Post	Date of app't	Date of first promotion	Date of second promotion	Date of death
1.	Late Jiwaji G. Undirwade	Hemlata Wd/o Jiwaji Undirwade	Civil Engin'g Assistant	21/11/1978	01/10/1994	01/10/2006	29/01/2021
2.	Late Balaji P. Nandurkar	Indira Wd/o Balaji Nandurkar	Civil Engin'g Assistant	10/12/1979	01/10/1994	01/10/2006	12/09/2018
3.	Late Kashinath Tumram	Tarabai Kashinath Tumram	Civil Engin'g Assistant	21/04/1979	01/10/1994	01/10/2006	01/10/2020

(4) Since Writ Petition No. 145/2024 is treated as lead Petition, the facts and contentions stated in the said Petition are set out for adjudication of the issues involved in all the Petitions and they are being decided by this common judgment.

(5) The facts giving rise for filing of the Writ Petition No. 145/2024 are as under:-

(6) On 02/11/1979, the Petitioner was appointed by Respondent - Zilla Parishad in its Public Works Division under Sub-Division, Malkapur as a Tracer. Subsequently, as per the policy decision taken by the Respondent – State, he was designated/absorbed as Civil Engineering Assistant. As per the Petitioner, during his entire service, he was never given any promotion by the Respondent - Zilla Parishad. Hence, the Petitioner approached this Court by filing a Petition for seeking direction against the Respondents for granting the pay scale of Junior Engineer and as per order passed by this Court on 06/08/2020, the Respondent – Zilla Parishad granted the first time bound promotional pay scale to the Petitioner on 07/12/2019 with effect from 12/08/1995 by granting benefit of

pay scale of Junior Engineer as per Government Resolution dated 08/06/1995 and Circular dated 22/06/2007.

(7) It is submitted that thereafter, the Respondent - State issued a Government Resolution on 01/04/2010, thereby granting second time bound promotional pay scale to those employees who have completed 24 years of service. Accordingly, the Respondent - State issued an order on 27/04/2021, thereby granting the benefit of Grade Pay of Rs. 4400/- by way of second promotional pay scale benefit to the Petitioner. It is submitted that Grade Pay of Rs. 4300/- was already granted to the Petitioner by Respondent - State as a first promotional pay scale being a pay scale of post of Junior Engineer.

(8) It is submitted that after issuance of said order, the Petitioner got knowledge that the Principal Bench of this Court delivered a judgment in Writ Petition No. 2605/2017 and laid down the law that grant of post of Sectional Engineer is not a promotion but it is merely an upgradation, and therefore, it was held that upgradation does not constitute grant of non-functional pay-scale and cannot be treated as the first benefit

within the meaning of Clause 2(b)(c) of the Government Resolution dated 01/04/2010. The issue involved in the said writ petition was whether as per the Government Resolution dated 01/04/2010, Junior Engineers are entitled for the pay scale of Executive Engineer as second time bound promotional pay scale because the benefit of Deputy Engineer would be first Promotional Pay Scale in said Petition, but the department treated pay scale of Sectional Engineer as a first time bound promotional pay scale benefit.

(9) It is submitted that the Zilla Parishad, Nanded, by considering the said judgment delivered by the Principal Bench of this Court and the Government Resolution dated 01/04/2010, issued an order in respect of three Civil Engineering Assistants on 13/08/2020 granting them pay scale of Rs.15,600 - Rs. 39,100 in Grade Pay of Rs. 5400/- by modifying the Grade Pay of Rs.4400/- (pay scale of Sectional Engineer) granted to them earlier. Similar order was also issued in favour of one Laxman Galade by the said Zilla Parishad who stood retired as Civil Engineering Assistant. It is submitted that the said Mr. Galade has completed 24 years of service on 01/10/2006 and he was also

granted benefit of pay scale of Rs.5400/- vide order dated 16/06/2021. It is submitted that similar orders were also issued by Zilla Parishad, Parbhani on 12/10/2021. Therefore, the Petitioner submitted representation to the Respondent - State on 28/11/2022 and pointed out that the Zilla Parishad, Nanded extended the benefits of second time bound Promotional Pay Scale to its employees and prayed that the same may also be granted to the Petitioner.

(10) It is submitted that, time to time, the Petitioner again submitted representations dated 19/01/2023 and 07/10/2023 to the Respondent - State and made request for granting the second time bound Promotional Pay Scale to the Petitioner as per the Government Resolution dated 05/07/2010.

(11) It is submitted that inaction on the part of Respondent - Zilla Parishad not to act as per the judgment and order delivered by this Court clearly shows arbitrariness on their part. The Petitioner further submits that even in case of Junior Engineers, the orders were issued by Department of Irrigation granting first promotional pay scale as pay scale of Deputy

Engineer and second promotional pay scale as Executive Engineer and Respondent - State also issued a Circular on 07/09/2019 to that effect, thereby directing that the Junior Engineers in Zilla Parishad should be given pay scale of Executive Engineer as a second time bound promotional pay scale as directed by this Court in Writ Petition No.2603/2019. Since the Petitioner was given pay scale of Junior Engineer by way of first time bound promotional pay scale then by virtue of law laid down by this Court in the above judgment, he is entitled for pay scale of Deputy Engineer by way of second time bound promotional benefit on grade pay of Rs. 5,400/-which the Respondents have failed to extend said benefit to the Petitioner. The said inaction on the part of the Respondents is the subject matter of challenge in the present Writ Petitions.

(12) Learned Counsel for the Petitioners, in support of their submissions, relied on the following citations:-

“(a) Writ Petition No. 2605/2017 (The Association of the Sub-ordinate Service of Engineers Maharashtra State & others vs. The State of Maharashtra & others) judgment dated 06/02/2019;

(b) Writ Petition No. 6631/2019 (Achyutrao S/o Bhaurao Raut vs. The State of Maharashtra & others) judgment dated 09/11/2022;

(c) Writ Petition No. 6341/2016 (Gautam S/o Kisan Waghmare & others vs. Zilla Parishad, Chandrapur & another) order dated 13/12/2017; &

(d) Writ Petition No. 8009/2021 (Suhas Prabhakar Rao Dharasurkar & others vs. The State of Maharashtra & others) judgment dated 02/08/2022; &

(e) Writ Petition No. 2873/2024 (Baburao Kisan Sonune vs. The State of Maharashtra & another) judgment dated 30/07/2025”

(13) *Per contra*, learned Counsel for the Zilla Parishad submitted that the claim of the Petitioner for the second time bound benefit for the post of Deputy Engineer and not of Sectional Engineer is not maintainable as per the various Government Resolutions. That, as per the Government Resolution dated 08/06/1995, first time bound scheme for working employees who completed 12 years of service but did not get promotion was implicated by the above said Govt. Resolution dated 08/06/1995. It is submitted that as per G.R. dated 08/06/1995, the scheme which was floated subject to

fulfillment of criteria of promotion and completion of 12 years of services of the employees, were given benefit of pay scale of next promotional post. Thereafter, the State Govt. has again issued Government Resolution dated 20/07/2001 with some alternations/modifications in pursuance of G.R. dated 08/06/1995. That, between the Govt. Resolution dated 08/06/1995 and Govt. Resolution dated 20/07/2001, the State Govt. has created the new post of Assistant to Jr. Engineer by Govt. Resolution dated 20/05/1999. It is submitted that due to creation of new post the question about the calculation of 12 years of service on the same post could not be answered satisfactorily, therefore, various Zilla Parishads sought clarification regarding the calculation of 12 years of service. The State Government issued several letters in this regard, and accordingly, the State Govt. issued Govt. Circular dated 28/07/2014 in which the Govt. have given clear guidelines about sanctioning of time bound benefits for those employees who were absorbed on newly created post.

(14) It is submitted that the Respondent – Zilla Parishad has given first time bound promotion to the present Petitioner

by order dated 09/12/2019 by which, the Petitioner was given benefit for the post of Jr. Engineer as a first time bound benefits from 12/08/1995. Thereafter, the Petitioner was given second time bound promotion on 12/08/2008 vide order dated 27.04.2021 i.e. after completion of 12 years from 12/08/1995. It is submitted that, after taking into consideration the guidelines given by the State Government in Circular dated 28/07/2014, it is observed that the calculation of completion of 12 years of service is to be taken from the date of absorption on newly created post. However, it was taken from the date of appointment of the concerned employee. That as per the Govt. Circular dated 28/07/2014 it is observed that, at the time of absorption to new posts of the employee for getting new revised higher pay scale, so for giving time bound benefits, the calculation of 12 years of service is to be taken from the date of absorption to the newly created post i.e. 27/07/2007. The Petitioner was absorbed to newly created post after the Govt. Resolution dated 20/05/1999 and he was retired on 30/08/2008.

(15) It is submitted that the Petitioner was appointed on 02/11/1979 and retired on 30/08/2008. Since the Petitioner was

retired from service before he completed his 12 years of service on newly created post on which he was absorbed, therefore, he is not entitled for grant of first time bound benefits of the post of Junior Engineer. Therefore, no questions arise as alleged by the Petitioner for giving any kind of second time bound benefits. The Respondent had given first time bound benefits of the post of Jr. Engineer from the date of completion of 12 years in service OR w.e.f. 01/10/1994 by cancelling earlier order issued by Zilla Parishad. That, the earlier post i.e. the post of first appointment of the Petitioner was below the post of Civil Engineering Assistant (Pay Scale 4000-6000), and the said post has no promotional post as per the Govt. Resolution. Hence, it is submitted that there is no error or illegality committed by the Respondents, and hence, it is prayed that the Petitions may be dismissed.

(16) Learned Counsel for the Respondent – Zilla Parishad, in support of their submissions, relied on the judgment in **Surjeet Singh Sahni vs. State of Uttar Pradesh & others, (2022) 15 SCC 536.**

(17) Heard learned Counsel for the respective parties, perused the records, gone through the impugned orders and considered the citations relied on by the parties.

(18) In fact, in view of the judgment passed by this Court at Principal Seat in **Writ Petition No. 2605/2017 (supra)**, the issue regarding calculation of 12 years of service from the date of upgradation, as considered by the Respondents, is no more *res-integra*. This Court in the said judgment passed in **Writ Petition No. 2605/2017 (supra)** elaborately referred the salient features of the Government Resolution dated 16/04/1984 and has held in Paragraph No. 30 as under:-

“30. Nonetheless, we would deal with the question on merits of the matter, independently. In the light of the facts, extracted above, in our view, the fate of the claim of the applicants hinges more on the construction of the GR dated 16th April, 1984 than Clause 2(b)(3) of MACP Scheme. What was the nature of the dispensation given under the GR dated 16th April, 1984? From the text of the said resolution, the following salient features emerge:

(i) The preamble indicates its object. It was decided to confer the gazetted status initially upon degree

holder junior engineers. Subsequently, it was decided to confer the gazetted status upon the underqualified and unqualified junior engineers, also.

(ii) While giving the gazetted status, the Government considered the aspects of the pay-scale to be given, the nomenclature of the post and the eligibility for conferring the gazetted status.

(iii) The conferment of the gazetted status upon the degree holder engineers was with effect from 1st April, 1981. Whereas the said status was deferred in the case of the underqualified and unqualified junior engineers, till they put in a specified years of service, that is, five years for three year diploma holders, seven years for two year diploma holders and ten years for unqualified junior engineers.

(iv) Two distinct cadres were created in the Maharashtra Engineering (Civil) Services Class-II, namely Assistant Engineer Grade-II, to be manned by degree holder junior engineers, and Sectional Engineer, to be manned by underqualified/unqualified junior engineers after putting in specified years of service.

(v) Both the cadres were to be placed in the payscale Rs.600-30-700-40-950.

(vi) The posts of Assistant Engineer Class-II and Assistant Engineer Class-I, which were superior to that of the junior engineers, were to be redesignated as Assistant Engineer Grade-I and Assistant Executive Engineer, respectively.

(vii) The duties and functions which the erstwhile junior engineers were discharging and performing would thenceforth be discharged and performed by the Assistant Engineer Grade-II and Sectional Engineers.”

(19) It is observed by the Principal Seat that the aforesaid Government Resolution was an exercise in cadre review. The principal object of the aforesaid Government Resolution was to give the gazette status (Class-II) to the Junior Engineer working at the lowest level. As such, there was restructuring in the lowest cadre of Junior Engineer as well as thereafter the superior cadre of Assistant Engineer, Classes I and II. This Court at Principal Seat in the said judgment in **Writ Petition No. 2605/2017 (supra)** has held in Paragraph Nos. 39 & 42 as under:-

“39. Another factor, which has a material bearing on the claim of the applicants is that under ACP and

MACP Scheme, the basic postulate is the benefit of pay-scale of the promotional post. It is nobody's case that under the GR dated 16th April, 1984 the applicants were given the benefit of the pay-scale of the promotional post. Mere revision of the pay-scale can not be equated with the grant of pay-scale of the promotional post. On the contrary, it is pertinent to note that under the same GR, the Government had redesignated the next higher post as Assistant Engineers Grade-I and Assistant Executive Engineers.

42. In this view of the matter, the denial of the 'second benefit' under the MACP Scheme, with reference to an exercise of cadre restructuring and the revision in pay scale, in the year 1984, appears to be legally unsustainable. We are, thus, inclined to answer the aforesaid question in the 'negative'. We hold and declare that the upgradation under GR dated 16th April, 1984 does not constitute grant of non-functional pay-scale and cannot be treated as the 'first benefit' within the meaning of Clause 2(b)(3) of the GR dated 1st April, 2010. We are, thus, inclined to allow the petition.”

(20) As such, now it is not open for the Respondents to say that 12 years of service would have to be calculated from the stage of upgradation. In fact, the first benefit has already been

extended and granted to the Petitioners from the dates of their appointments and not from the date of upgradation. In view of the Government Resolution dated 01/04/2010, the second time bound promotional pay-scale was granted to those employees who have completed 24 years of service. As such, as per the demand of the Petitioner of granting second benefit under the ACP, the Respondent issued the order on 27/04/2021 thereby granting the benefit of Grade Pay of Rs. 4400/- by way of second promotional pay-scale benefit. It needs to be noted here that the Grade Pay of Rs. 4300/- was already granted to the Petitioners by the Respondent as a first promotional pay-scale which is the pay-scale of post of Junior Engineer. In view of the judgment in **Writ Petition No. 2605/2017 (supra)**, merging of various cadre of Sectional Engineer is not a promotion but it is a mere an upgradation. As such, in view of the Government Resolution dated 01/04/2010, the Petitioners are entitled for the second benefit after 24 years of service from the date of their initial appointments, if they are otherwise eligible. The Respondents erred in holding that grant of pay-scale of Sectional Engineer is a first time bound promotional pay-scale benefit.

(21) In view of the above, the Petitioners are entitled for pay-scale of Deputy Engineer as second time bound promotion. In view of the Government Resolution dated 01/04/2010, the rights of the Petitioners accrued after completion of 24 years of service from the date of their initial appointment and not from the date of upgradation.

(22) The contention of the learned Counsel for the Respondent – Zilla Parishad that in view of the Circular dated 15/09/2025, the effect of second ACP would be given, however, in our considered opinion, the rights of the Petitioners are already accrued after they have completed 24 years of service and as per the Government Resolution dated 01/04/2010, they are entitled for second benefit. In fact, the second benefit after 24 years is extended, however, the pay-scale is not properly fixed. From perusal of the Circular dated 15/09/2025, it appears that some provisions of the Government Resolutions dated 01/04/2010 and 02/03/2019 were deleted and the channel of promotion appears to be fixed as Assistant Civil Engineer, Junior Engineer, Deputy Engineer and Executive Engineer.

(23) In view of the above Circular, the Government has already taken decision and it is held that the Assistant Civil Engineer would be promoted after 12 years as Junior Engineer and the second promotion would be on the post of Deputy Engineer after completion of 24 years. Thus, after service of 12 years as an Assistant Civil Engineer, the Petitioners are entitled to get the pay-scale of Junior Engineer and after 24 years, they are entitled for the pay-scale of Deputy Engineer.

(24) Hence, we proceed to pass following order:-

ORDER

- (a) The Writ Petitions are **allowed**.
- (b) The orders dated 27/04/2021, 20/08/2019, 19/09/2019, 16/09/2019, 08/07/2020, 27/04/2021 & 24/04/2018 passed by the Chief Executive Officers of Zilla Parishads Buldhana and Chandrapur are hereby quashed and set aside.
- (c) The Respondent - Chief Executive Officers of Zilla Parishads Buldhana and Chandrapur are hereby directed to grant pay-scale of Deputy Engineer (Grade pay of Rs. 5400/-) to the Petitioners from the

date they have completed 24 years of service and pay the arrears/deficit amount to the Petitioners within a period of eight weeks from the date of receipt of copy of this judgment.

(d) Insofar as the Petitioner Nos. 23, 24 and 25 in Writ Petition No. 3692/2021, i.e. the widows of the respective employees who were in service, are concerned, they are entitled for the difference in payment, if any, considering the services of their respective husbands.

(e) The Respondent - Chief Executive Officers of Zilla Parishads Buldhana and Chandrapur are also hereby directed to revise the pension of the Petitioners who already stood retired from their services. This exercise shall be done within a period of three months from the date of receipt of copy of this judgment.

Rule is made absolute in the above terms. Pending Application(s), if any, stand(s) **disposed of.**

(NANDESH S. DESHPANDE, J.)

(M.S. JAWALKAR, J.)