
(2011) 11 BOM CK 0061
In the Bombay High Court
Case No : Writ Petition No. 1499 of 1997

Shri D.R. Bondre

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 22-11-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2011) 11 BOM CK 0061

Hon'ble Judges : K.K. Tated, J;D.B. Bhosale, J

Bench : Division Bench

Advocate : P.P. Chavan, for the Appellant; C.R. Sonawane, A.G.P. for respondent no.1 and 2 and Mr. R.S. Khadapkar for respondent no.3, for the Respondent

Judgement

K.K. Tated, J.—Heard the Learned Counsel for the parties.

2. By this petition, under Articles 226 and 227 of the Constitution of India, petitioner challenges two circulars dated 14.06.1994 and 07.10.1994 issued by the Government of Maharashtra regarding the service conditions of Librarians.

A few facts of the matter are as under:

3. The petitioner joined as Librarian with G.K.Gokhale College, Kolhapur respondent no.4 with effect from 1st May, 1961 and worked for more than 25 years as Librarian and retired from the same College. The pay scale of Librarians and the Directors of Physical Education were on par with the Lecturers. The revisions were effected during the year 1960-65. The University Grant Commission appointed an independent committee to recommend the scales of pay for Librarians and Directors of Physical Education. Both the Committees unanimously recommended that the Librarians and the Directors of Physical Education scales of pay ought to have been on par with that of the Lecturers. The said situation continued till 1975. Thereafter, the parity of pay scales between the Librarians/Directors of Physical Education and the Lecturers was disturbed and while the Lecturers were placed in the pay scale of Rs.700-1600

irrespective of their qualification and allowed 58 years to improve their qualification and the Librarians/Directors of Physical Education were placed in the pay scale of Rs.500900, though in the most cases, they were better qualified than the Lecturers. By circular dated 25.10.1977, the respondents increased the qualifications of the Librarians retrospectively but did not provide them time or facility to improve their qualifications. Later on, the respondents issued circular, and thereby relaxed the qualifications in respect of the Librarians appointed prior to the year 1975, but provided that their services prior to the year 1973 would not be counted for any purpose. Because of these circulars, the petitioner was getting less pay. They also affected his retirement benefits adversely. Therefore, the present petition for getting equal pay on the basis of pay scale of Lecturers.

4. The Learned Counsel for the petitioner submitted that the petitioner being qualified under the Rules at the time of the petitioner's appointment cannot be said to be not qualified for higher pay scale vide circulars issued by respondent nos.1 to 3 increasing eligibility/qualification with retrospective effect. He further invited our attention to the orders dated 17th October, 2001 in Writ Petition No.988 of 1996 passed by Division Bench consisting of Justice R.M.Lodha, (as he then was) and Smt. Justice Nishita Mhatre, and 8th January, 2004 in Writ Petition No.733 of 1997 passed by Division Bench consisting of Justice H.L.Gokhale (as he then was) and Justice F.I.Rebello, (as he then was) and submit that the Writ Petition can also be disposed of in terms of the said order.

5. The learned A.G.P. appearing for respondent nos.1 and 2 and counsel appearing for respondent no.3 have no objection for disposing of this Writ Petition in terms of the order dated 8.1.2004 in Writ Petition No.773 of 1997. In terms of the order dt.8.1.2004 passed in the Writ Petition No.773 of 1997, the following order is passed: The petitioner would be entitled to be placed in the revised scale of Rs.700401100601600 with effect from 1st April, 1980 and thereafter, from 1st April, 1986 in the revised pay scale of 370012549501505700. The respondents are directed to pay to the petitioner the back wages along with all the consequential benefits after proper fitment within a period of six months from today. In the event, the payment is not made within six months from today, the petitioner would be entitled to interest at the rate of 9% per annum from the date of the judgment till the date of final payment.

6. Rule made absolute accordingly. There shall be no order as to costs.