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

## WRIT PETITION NO. 3025/2019

- 1) Shri Pravin s/o Satyawan Bandre Aged 43 years, occu: service R/o Plot No. 149, Mahalaxmi Nagar, Manewada Road, Nagpur.
- 2) Shri Leeladhar s/o Bhauraoji Pathe Aged 53 years, occu: service R/o 275 Vinkar Colony, Manewada-Besa Road, Nagpur.
- 3) Ravindra s/o Kisanrao Gayner Aged 51 years, occu: service R/o Mahalaxmi nagar, Manewada Road, Nagpur.
- 4) Shri Prabhakar s/o Raghunath Pardhi Aged 57 years, occu: service R/o Shakti Mata Nagar, Nagpur.
- 5) Shri Chandrashekhar s/o Bapurao Rakshe Aged 50 years, occu: service R/o 10, Joseph Vidyalaya Near Jaytala,Nagpur 36.

..PETITIONERS

## versus

- 1) The State of Maharashtra
  Through its Secretary
  Department of Town Development
  Mantralaya, Mumbai-32.
- 2) The Municipal Corporation, Nagpur Through its Commissioner, Nagpur.
- 3) Municipal Corporation, Nagpur Through its Assistant Commissioner (General Administration) Nagpur.

**RESPONDENTS** 

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Mr S.S.Shingane, Advocate for petitioners

Mr. Anand Fulzele, Additional Govt.Pleader for Respdt.No.1

Mr. Rohan Chhabra, Advocate for Respondent nos. 2 and 3

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**CORAM:** SUNIL B. SHUKRE &

ANIL L. PANSARE, JJ

**DATED**: 15<sup>th</sup> December, 2021.

## ORAL JUDGMENT: (PER SUNIL B.SHUKRE, J.)

- 1. Heard.
- 2. **Rule** Rule made returnable forthwith. Heard finally by consent.
- 3. The Respondent no.1-i.e. State of Maharashtra, through its Secretary Department of Town Development, has filed an affidavit-in-reply dated 6<sup>th</sup> October, 2020, in which in paragraph 11 a statement has been made that the Commissioner, Municipal Corporation, Nagpur has not proposed anything about fixation of the pay-scale of the present petitioners at par with the employees of Water Supply Department of the Nagpur Municipal Corporation, while submitting aforementioned proposals of the Nagpur Municipal Corporation to the State Government. The expression 'aforementioned proposals' has to be understood by making a reference to the statements made in earlier paragraph. Perusal of the earlier paragraph would show that there were three proposals sent to respondent no.1 by Commissioner, NMC

Nagpur which were of the dates of 4<sup>th</sup> February, 2017, 12<sup>th</sup> January, 2018 and 19th September, 2019. So, as per the stand of the respondent no.1, the Municipal Corporation has not sent any proposal for bringing the pay-scale of the petitioners at par with the employees of the Water Supply Department. It may be mentioned here that the proposal dated 4<sup>th</sup> February, 2017 is relevant from the view-point of the petitioners as according to the petitioners, it is this proposal which covers their cases. As regards this proposal dated 4th February, 2017 there is a statement assertively made in paragraph 6 of the reply filed on behalf of the Corporation by its Commissioner dated 4.1.2021. In this paragraph, a categorical statement has been made that on 4.2.2017, the respondent nos. 2 and 3 has submitted to the respondent no.1 the staffing pattern of the Corporation wherein the petitioners have been placed at the same grade and same pay scale of the employees of the Water Supply Department and the petitioners have been brought at the same grade and pay-scale as that of the employees of the Water Supply Department. approval to this proposal has been sought, it would be for the respondent no.1 to appropriately respond to the same. We are, therefore, of the view that the dispute involved in this petition can be resolved by issuing necessary directions to the respondent no.1.

- 4. However there is a glitch in even processing the proposal dated 04.02.2017 properly as it is submitted by learned counsel for the petitioners that the pay scale indicated therein did not reflect the correct position. If that is so, it would be better that the respondent nos. 2 and 3 are directed to send the correct proposal afresh to the respondent no.1 for its due consideration and appropriate decision.
- 5. Accordingly, the writ petition is partly allowed. We direct the respondent nos. 2 and 3 to prepare a modified proposal to respondent no.1 for upgradation of the pay-scale of the petitioners at the same level as that of employees of the Water Supply Department and forward the same to the respondent no.1 within a period of two months from the date of this order. We further direct the respondent no.1 to decide the proposal freshly received by it in accordance with law, within a period of two months from the date of receipt of this order.
- 6. By keeping all questions raised in the petition open, we dispose of the petition. Rule is made absolute accordingly.

JUDGE JUDGE