

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATIONS NO 386 & 387 OF 2011

DISTRICT : PUNE

1) ORIGINAL APPLICATION NO 386 OF 2011

Dr Shripad Dattatraya Kulkarni,)
Occ : Government serving working as)
Assistant Professor, College of Engineering)
Shivaji Nagar, Welsly Road,)
Pune 411 005.)
Add for service of notice:)
Flat No. 601, Bldg-B, Aryabhata Housing)
Society, Walvekar Nagar, Pune 411 009.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Principal Secretary,)
Higher & Technical Education Dept.)
Mantralaya, Mumbai 400 032.)

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2. Shri R.P Thanedar,)
 Govt. service as Associate Professor)
 College of Engineering, Shivaji Nagar)
 Pune -5.)
3. Dr B.N Dawari,)
 Govt. service as Associate Professor,)
 College of Engineering, Shivaji Nagar)
 Pune -5.)...**Respondents**

2) ORIGINAL APPLICATION NO 387 OF 2011

Dr Pramod Digambar Shendge,)
 Occ : Government serving working as)
 Assistant Professor, College of Engineering)
 Shivaji Nagar, Welsly Road,)
 Pune 411 005.)
 Add for service of notice:)
 C-104, Rolling Hills-II,)
 Baner, Pashan Link Road,)
 Near Mahableshwar Hotel, Baner,)
 Pune 411 009.)...**Applicant**

Versus

1. The State of Maharashtra)
 Through the Principal Secretary,)
 Higher & Technical Education Dept.)
 Mantralaya, Mumbai 400 032.)

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2. Shri R.P Thanedar,)
Govt. service as Associate Professor)
College of Engineering, Shivaji Nagar)
Pune -5.)
3. Dr B.N Dawari,)
Govt. service as Associate Professor,)
College of Engineering, Shivaji Nagar)
Pune -5.)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicants.

Ms Neelima Gohad, learned Presenting Officer for the Respondent no.1.

Smt Punam Mahajan, learned advocate for Respondents no 2 & 3.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

Shri R.B. Malik (Member) (J)

DATE : 29.03.2016

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicants, Ms Neelima Gohad, learned

Presenting Officer for the Respondent no.1. None present for Respondents no 2 & 3.

2. These Original Applications are heard together and are being disposed of by a common order as the issues to be decided are identical.

3. The Applicants have filed affidavit on 2.2.2016 bringing on record the latest instructions issued by the All India Council of Technical Education regarding Fixation of Pay of the Teachers under the Career Advancement Scheme applicable to University and College Teachers. The Notification has been published in Central Government Gazette on 6.1.2016. Para 33 and 61 of the said Notification are relevant for the purpose of the present Original Applications. It is clarified in the said notification that the pay of the Teachers who are senior but are getting lower pay than their juniors, can be stepped up in accordance with the relevant rules. In the Notification, Fundamental Rules and Supplementary Rules (FRs & SRs) are mentioned which are applicable to the Central Government employees. Obviously to the State Government ^{employees} the corresponding rules, i.e Maharashtra Civil Services Rules will apply. In the reply to the aforesaid affidavit, Respondent no. 1 has filed affidavit on 15.3.2016. In para 5 of the reply, it is stated as follows:

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“5. I say and submit that in reply to para no. 4 of the rejoinder it is stated that to avail the benefits of the provisions of the said notification to the teachers and other academic staff of technical institutions, Government of Maharashtra has sought a detail proposal from the Director of Technical Education. Accordingly, the Director of Technical Education has constituted a Committee vide its order dated 28.1.2016. The detail report of the Committee is awaited. As soon as the detail report/proposal is received, the necessary decision will be taken in this regard.”

3. From this affidavit, it is clear that a Committee has been appointed by the Director of Technical Education and after the report of the Committee is received, a decision in this regard will be taken by the State Government.

4. In view of these developments, both the Original Applications are disposed of with the direction to the Respondent no. 1 to take decision in this regard within a period of three months from the date of this order. The Applicants may be informed about the decision of the Government within a period of two weeks thereafter. The issues raised in these Original Applications are kept open and in the event the decision of the Government is adverse to the Applicants, there will

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be no bar for them to take appropriate legal action in the matter. There will be no order as to costs.

Sd/-

(R.B. Malik)
Member (J)

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai

Date : 29.03.2016

Dictation taken by : A.K. Nair.