



नियंत्रक कार्यालय
वसंतराव नाईक मराठवाडा कृषि विद्यापीठ
प्रशासकीय इमारत, वसमत रोड, परभणी-४३१४०२

Email ID : comptrollermkvpbn@gmail.com

जा.क्र.सीएफसी/वे.नि./१७१७/२०२३

दिनांक: ०६/१२/२०२३

तात्काळ / प्रथम प्राधान्याने / न्यायालयीन प्रकरण

परिपत्रक

प्रति,

आहरण व संवितरण अधिकारी / कार्यालय प्रमुख,
वनामकृवि, परभणी.

विषय : सहाय्या वेतन आयोगातील अतिप्रदान झालेल्या रकमेचा संबंधीतांकडून भरणा करुन घेणे व सातव्या वेतन आयोगाचे फायदे देणे बाबत....

- संदर्भ : १. कृषि व पदुम विभागाचा शासन निर्णय क्र.अेजीयु-११०९/सीआर-२५२/६-अे, दिनांक १८.३.२०१०
२. कृषि व पदुम विभागाचे शासन शुध्दीपत्रक क्र.अेजीयु-११०९/सीआर-२५२/६-अे, दिनांक २०.९.२०१०
३. कृषि व पदुम विभागाचे शासन शुध्दीपत्रक क्र.संकीर्ण-१५१७/प्रक्र-४९७/६-अे, दिनांक २४.८.२०१८
४. डॉ.राकेश आहिरे व इतर यांची रिट याचिका क्र.१३८५८/२०१८
५. कृषि व पदुम विभागाचा शासन निर्णय क्र.अेजीयु-३७१९/सीआर-४१/६-ए दिनांक १२.८.२०२१
६. मा.उच्च न्यायालयाचा रिट याचिका क्र.१३८५८/२०१८ मधील अंतीम निकाल दिनांक १८.१०.२०२३
७. कुलसचिव, वनामकृवि, परभणी यांचे पत्र क्र.२०२३/प्रक्र-११९४/आस्था-१/५०२२,
दिनांक ९/१३.११.२०२३
८. या कार्यालयाचे परिपत्र क्र.सीएफपी/वे.नि./१६१५/२०२३, दिनांक १७.११.२०२३
९. कुलसचिव, वनामकृवि, परभणी यांचे पत्र क्र.२०२३/उन्यायप्र/प्रक्र-३३१/आस्था-५/५३५६,
दिनांक ४.१२.२०२३

संदर्भ क्र.१ वरील शासन निर्णयान्वये शिक्षकवर्गीय कर्मचाऱ्यांना ६ वा वेतन आयोग लागू करण्यात आला होता. सदर शासन निर्णयातील परिच्छेद क्र.२(२) (अ) मधील खंड (नऊ) च्या तरतुदीनुसार दिनांक १.१.२००६ रोजी कार्यरत असलेल्या सहयोगी प्राध्यापक व सहाय्यक प्राध्यापक (निवडश्रेणी) यांना त्या पदावर ३ वर्ष पुर्ण होत असल्यास त्यांना रुपये ३७४००-६७०००/- ग्रेड पे रुपये ९०००/- ही वेतनश्रेणी अनुज्ञेय ठरविण्यात आली आहे. तसेच परिच्छेद क्र.२(२) (अ) मधील खंड (दहा) मधील तरतुदीनुसार दिनांक १.१.२००६ रोजी कार्यरत असलेल्या सहयोगी प्राध्यापक व सहाय्यक प्राध्यापक (निवडश्रेणी) यांना त्या पदावर ३ वर्ष पुर्ण होत नसल्यास ३ वर्षे पूर्ण होईपर्यंत रुपये १५६००-३९१००/- ग्रेड पे रुपये ८०००/- ही सुधारीत वेतनश्रेणी ठरविण्यात आली आहे. त्यांची शासन निर्णयातील फिटमेंट टेबल ३ नुसार वेतननिश्चिती करावी आणि ३ वर्ष पुर्ण झाल्यानंतर रुपये ३७४००-६७०००/- ग्रेड पे रुपये ९०००/- ही वेतनश्रेणी अनुज्ञेय ठरविण्यात आली आहे.

संदर्भ क्र.२ वरील शासन शुध्दीपत्रकानुसार उपरोक्त कार्यवाही न करता दिनांक १.१.२००६ रोजी कार्यरत असलेल्या सहयोगी प्राध्यापक व सहाय्यक प्राध्यापक (निवडश्रेणी) यांना रुपये ३७४००-६७०००/- ग्रेड पे रुपये ९०००/- ही वेतनश्रेणी अनुज्ञेय करण्यात आली होती. त्यानुसार शिक्षकवर्गीय कर्मचाऱ्यांना वेतनश्रेणी प्रदान करण्यात आलेली आहे.

परंतू संदर्भ क्र.३ अन्वये संदर्भ क्र.२ वरील शासन शुध्दीपत्रक रद्द करण्यात आल्यामुळे संदर्भ क्र.१ वरील शासन निर्णयातील तरतुदीनुसार वेतननिश्चिती करणे आवश्यक आहे. त्यानुसार कार्यवाही सुरु करण्यात आली असता वसूलपात्र शिक्षकवर्गीय कर्मचाऱ्यांनी मा.उच्च न्यायालयात रिट याचिका क्र.१३८५८/२०१८ दाखल करुन त्यांची अतिप्रदानाची वसुलीस स्थगिती मिळविली होती.

संदर्भ क्र. ६ मध्ये नमूद केल्यानुसार रिट याचिका क्र.१३८५८/२०१८ चा अंतीम निकाल लागलेला असून मा. उच्च न्यायालयाने अतिप्रदानाची रक्कम वसूल करण्याबाबत निर्देश दिले आहेत. परंतू त्यांना ३ आठवडे अपील करण्याकरीता संधी दिली होती. सदर अपीलाच्या संधीची मुदत दिनांक ८.११.२०२३ रोजी समाप्त झालेली आहे.

संदर्भ क्र.७ अन्वये कुलसचिव, वनामकृवि, परभणी यांनी दिलेल्या निर्देशानुसार मा.न्यायालयात गेलेले व न गेलेल्या परंतू सहाव्या वेतन आयोगात अतिप्रदान झालेल्या शिक्षकवर्गीय अधिकाऱ्यांकडून अतिप्रदान रकमेचा भरणा करुन घ्यावा व ७ व्या वेतन आयोगाचे लाभ मंजूर करण्याबाबतची कार्यवाही संदर्भीय क्र.६ वरील मा.उच्च न्यायालयाच्या निकालानुसार करण्यात यावी असे या कार्यालयाचे परिपत्रक दिनांक १७/११/२०२३ अन्वये कळविण्यात आले होते (पहा : संदर्भ क्र.८). तथापि, संदर्भीय ९ वरील पत्रान्वये कुलसचिव, वनामकृवि, परभणी यांनी मा.कुलगुरु यांच्या मान्यतेने कळविले आहे की, रिट याचिका क्रमांक १३८५८/२०१८ (राकेश ज्ञानदेव अहिरे व इतर विरुध्द महाराष्ट्र शासन व इतर) प्रकरणी याचिकाकर्त्यातर्फे मा.सर्वोच्च न्यायालयात दाखल करण्यात आलेल्या विशेष अनुमती याचिका क्र.२५००८/२०२३ प्रकरणी मा.सर्वोच्च न्यायालयाने दिनांक ८/११/२०२३ रोजी दिलेल्या अंतरीम निकालानुसार **विशेष अनुमती याचिकेतील याचीकाकर्ते वगळता** इतर वसुलीस पात्र असणाऱ्या सर्व शिक्षकवर्गीय अधिकाऱ्यांकडून अतिप्रदानाची वसुली करण्याबाबतची कार्यवाही करण्यात यावी.

सबब, मा.सर्वोच्च न्यायालयात दाखल करण्यात आलेल्या विशेष अनुमती याचिका क्र.२५००८/२०२३ प्रकरणी मा.सर्वोच्च न्यायालयाने दिनांक ८/११/२०२३ रोजी दिलेल्या अंतरीम निकालानुसार **विशेष अनुमती याचिकेतील याचीकाकर्ते वगळता** इतर वसुलीस पात्र असणाऱ्या सर्व शिक्षकवर्गीय अधिकाऱ्यांकडून अतिप्रदानाची वसुली करण्याबाबतची कार्यवाही करण्यात यावी. सहाव्या वेतन आयोगात अतिप्रदान झालेल्या संबंधीत शिक्षकवर्गीय अधिकाऱ्यांकडून अतिप्रदान रकमेचा भरणा करुन घ्यावा व ७ व्या वेतन आयोगाचे लाभ मंजूर करण्याबाबतची कार्यवाही संदर्भीय क्र.६ वरील मा.उच्च न्यायालयाच्या निकालानुसार करण्यात यावी. (संदर्भीय क्र.६ - मा.उच्च न्यायालय खंडपीठ औरंगाबाद यांचा अंतीम निकाल / संदर्भीय क्र. ९ - मा.सर्वोच्च न्यायालयात दाखल करण्यात आलेल्या विशेष अनुमती याचिका क्र.२५००८/२०२३ प्रकरणी मा.सर्वोच्च न्यायालयाने दिनांक ८/११/२०२३ रोजी दिलेल्या अंतरीम निकालाची प्रत व मा.सर्वोच्च न्यायालयाच्या संकेतस्थळावरील उपलब्ध याचिकाकर्ते यांची माहिती) वरील निकालाची प्रत या परिपत्रकासह विद्यापीठाच्या संकेतस्थळावर उपलब्ध करुन देण्यात येत आहे).


नियंत्रक

वनामकृवि, परभणी

प्रतिलिपी :

१. संचालक शिक्षण तथा अधिष्ठाता (कृषि) / संचालक संशोधन / संचालक विस्तार शिक्षण / विद्यार्थी कल्याण अधिकारी / सहयोगी अधिष्ठाता शिक्षण / कुलसचिव, वनामकृवि, परभणी

प्रत :

१. पुर्व लेखा परिक्षण व अधिदान अधिकारी, वनामकृवि, परभणी.
२. मा. कुलगुरु यांचे खाजगी सचिव, वनामकृवि, परभणी.
३. प्रभारी अधिकारी, मुख्य संगणक केंद्र, वनामकृवि, परभणी. सदरहू परिपत्रक व त्यासोबतचे मा.न्यायालयाचे निकाल व मा.सर्वोच्च न्यायालयाच्या संकेतस्थळावरील उपलब्ध याचिकाकर्ते यांची माहिती विद्यापीठाच्या संकेतस्थळावर प्रसिध्द करावी.



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13634 OF 2018

- 1] Vinu Shrikrishna Lawar
- 2] Dilip Shripad Hange
- 3] Prakash Kisan Lokhande
- 4] Rajendra Bhau Hile
- 5] Dnyaneshwar Bhanudas Kshirsagar
(Deleted as per Court's Order dated 07-09-2021)
- 6] Jayprakash Haribhau Gaikwad
(Deleted as per Court's Order dated 07-09-2021)
- 7] Babasaheb Kashiram Mali
- 8] Prashant Shankar Bodake
(Deleted as per Court's Order dated 07-09-2021)
- 9] Sachin Madhukar Nalawade
- 10] Satish Balkrishna Jadhav
(Deleted as per Court's Order dated 07-09-2021)
- 11] Anil Arjunrao Kale
- 12] Pawan Laxminarayan Kulwal
- 13] Vivek Pandurang Chimote
- 14] Dattatraya Arjun Sonwane
- 15] Vikram Parshuram Kad
(Deleted as per Court's Order dated 07-09-2021)
- 16] Suresh Ramchandra Zanjare
- 17] Vijay Ramdas Shelar
- 18] Mahavirsing Ramchandra Chauhan
- 19] Chandrakant Baburao Salunke
- 20] Ulhas Shantaram Surve
- 21] Uttam Dnyanu Chavan
- 22] Nandkumar Surendra Kute
- 23] Rajendra Sadashiv Wagh
- 24] Vivek Lahanu Kanawade
- 25] Bhimraj Rangnath Najan
- 26] Sanjay Dattatraya Mandakmale
- 27] Popat Pandurang Kadu
- 28] Vinayak Ramchandra Joshi
(Deleted as per Court's Order dated 07-09-2021)
- 29] Bapusaheb Dashrath Bhakare
- 30] Narendra Vitthal Kashid

- 31] Dattatraya Bhimaji Lad
 32] Nitinkumar Jagannath Ransur
 33] Pandit Bhimraj Kharde
 34] Sunil Balkrishna Bhanage
 35] Krihna Dinkar Chavan
 (Deleted as per Court's Order dated 07-09-2021)
 36] Rajendra Tatyaram Gaikwad
 37] Suresh Shrawan Dodake
 38] Ramchandra Raosaheb Perane
 39] Babanrao Maruti Ilhe
 40] Sunil Rangnath Karad
 41] Bapurao Govinda Gaikwada
 42] Vijay Janardan Tarade
 43] Bharat Taterao Kolgane
 44] Kumar Vishnu Gurav
 (Deleted as per Court's Order dated 07-09-2021)
 45] Dr. Vishnu Kundlik Garande
 46] Abasaheb Babasaheb Mohite
 47] Avinash Sakharam Bhosale
 48] Agnelo Pedru Fernandes
 49] Bhagwan Bapu Gawade
 50] Bhimram Madhukar Kamble
 51] Shailendra Shankarrao Kamble
 52] Dinkar Keshav Kamble
 53] Sangram Sahebrao Dhumal
 (Deleted as per Court's Order dated 07-09-2021)
 54] Sampat Shankarrao Kolape
 (Deleted as per Court's Order dated 07-09-2021)
 55] Dhananjay Shankarrao Navadkar
 (Deleted as per Court's Order dated 07-09-2021)
 56] Mohan Baburao Shete
 57] Sanjay Sampatrao Bhosale
 58] Bharat Dattatraya Tamboli
 59] Gangadhar Dada Patil
 60] Swati Sahebrao Khandave
 61] Pandurang Namdeo Shendage
 62] Abdul Aziz Abdul Razzak Shaikh
 63] Deepak Vitthalrao Dahat
 64] Shivaji Tulsiram Pachpute
 65] Uttam Bapurao Hole
 66] Tukram Shankar Bhondave
 67] Subhash Ganpat Bhalekar
 68] Bhimrao Vasant Gondhali
 69] Shahaji Kakasaheb Shinde
 70] Nilkanth Bapusaheb More

- (Deleted as per Court's Order dated 07-09-2021)
- 71] Rajendra Mohan Gethe
(Deleted as per Court's Order dated 07-09-2021)
- 72] Vishwanath Anant Shinde
- 73] Jaywant Dadaji Jadhav
- 74] Ashok Sidaray Jadhav
(Deleted as per Court's Order dated 07-09-2021)
- 75] Kailas Jayram Kamble
- 76] Hemant Manohar Patil
- 77] Ashok Anantrao Pisal
- 78] Chandrashekhhar Vasant Pujari
- 79] Ritu Satish Thakare
- 80] Murlidhar Shantaram Mahajan
- 81] Hemant Tukaram Patil
- 82] Deepak Damodhar Dudhade
(Deleted as per Court's Order dated 07-09-2021)
- 83] S.H. Pathan
(Deleted as per Court's Order dated 07-09-2021)
- 84] Sanjay Baburao Gawade
(Deleted as per Court's Order dated 07-09-2021)
- 85] Mohan Shankar Shirke
- 86] Sunil Krishna Kambale
- 87] Bhausahab Vishwanath Pagire
- 88] Madhav Manohar Desai
(Deleted as per Court's Order dated 07-09-2021)
- 89] Dattatraya Vithoba Kusalkar
- 90] Uddhav Yeshvantrao Bhoite
- 91] Baban Bhau Khutal
- 92] Dr. Jitendra Kashinath Dhemre
(Deleted as per Court's Order dated 07-09-2021)
- 93] Tulshidas Baliram Bastewad
- 94] Suryabhan Savitra Ilhe
(Deleted as per Court's Order dated 07-09-2021)
- 95] Dr. Amolic Viju Laxman
- 96] Dr. Mahanand Shivajirao Mane
- 97] Nazimuddin Badruddin Shaikh
- 98] Dr. Anilkumar Govindrao Bhoite
- 99] Dr. Arun Bhaurao Kamble
- 100] Dr. Madhukar Rajaram Bedis ... Petitioners

Versus

- 1] The State of Maharashtra
Through the Principal Secretary for
Agriculture, Animal Husbandry,

Dairy Development and Fisheries
Department, Mantralaya,
Mumbai

- 2] Mahatma Phule Krishi Vidyapeeth
Rahuri, Tq. Rahuri
District Ahmednagar
Through its Registrar

.. Respondents

WITH

CIVIL APPLICATION NO. 12943 OF 2021 IN WP/13634/2018

(VINU SHRIKRISHNA LAWAR & OTHERS
VS.
THE STATE OF MAHARASHTRA & ANR.)

...

Mr. V. D. Hon Sr. Counsel a/w Mr. A. D. Sonkawade i/b. Mr. A. V. Hon –
Advocate for petitioner,
Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
Additional Government Pleader for State Respondent no. 1,
Mr. Parag P. Shahane a/w. Mr. P. L. Shahane – Advocate for Respondent
No. 2

...

WITH

WRIT PETITION NO. 6428 OF 2021

- 1] Dr. Bajrang Limbaji Ayare
- 2] Dr. Santosh Vishnu Sawardekar
- 3] Dr. Vijay Gopal More
- 4] Dr. Sanjaykumar Ramchandra Torane
- 5] Dr. Prakash Bhaskar Sanap
- 6] Dr. Ashok Kumar Parshuram Chavan
- 7] Vinayak Narayan Jalgaonkar
- 8] Dr. Rakesh Chokhoba Gajbhiye
(Deleted as per Court's Order dated 03-12-2021)
- 9] Dr. Atul Ganeshrao Mohod
- 10] Dr. Somnath Pralhad Sonawane
- 11] Dr. Sachinkumar Bhagwan Nandgude
- 12] Vijay Vitthal Aware
(Deleted as per Court's Order dated 03-12-2021)

- 13] Dr. Sandeepkumar Sumerchand Jain
(Deleted as per Court's Order dated 03-12-2021)
- 14] Dr. Shrikant Baslingappa Swami
- 15] Dr. Suresh Bhagwan Dodake
- 16] Dr. Anand Lalba Narangalkar
(Deleted as per Court's Order dated 03-12-2021)
- 17] Mahadev Jagannath Mane
(Deleted as per Court's Order dated 03-12-2021)
- 18] Dr. Pradip Chandrakant Haldavnekar
- 19] Dr. Mrs. Pushpa Dilip Patil
- 20] Dr. Anil Sawalaram Pawase
- 21] Dr. Prafulla Chandrakant Mali
- 22] Dr. Ramesh Laxman Kunkerkar ... Petitioners

Versus

- 01] The State of Maharashtra
Through the Principal Secretary for
Agriculture, Animal Husbandry,
Dairy Development and Fisheries
Department, Mantralaya,
Mumbai
- 02] Dr. Balasaheb Sawant Konkan Krishi
Krishi Vidyapeeth, Dapoli
Tq. Dapoli, District – Ratnigiri
Through its Registrar ... Respondents

WITH

CIVIL APPLICATION NO. 12721 OF 2021 IN WP/6428/2021

**(BAJRANG LIMBAJI AYARE & ORS. VS. THE STATE OF MAHARASHTRA
& ANR.)**

...

Mr. V. D. Hon Sr. Counsel a/w Mr. A. D. Sonkawade i/b. Mr. A. V. Hon --
Advocate for petitioner,
Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
Additional Government Pleader for State Respondent no. 1,
Mr. Sameer K, Sawant – Advocate for Respondent No. 2

WITH

WRIT PETITION NO. 7859 OF 2021

- 1] Dr. Rajendra Ganpatrao Deshmukh
- 2] Dr. Santosh Janardan Gahurkar
- 3] Dr. Vijaykumar Lachapatrao Gawande
- 4] Rajabhau Laxman Isal
- 5] Dr. Arvind Munjajirao Sonkamble
- 6] Smt. Priti Arvind Sonkamble
- 7] Dr. Surendra Rajaram Patil
- 8] Dr. Abhay Prakash Wagh
- 9] Dr. Vijay Punjabrao Mane
- 10] Dr. Ajay Krishnakumar Sadawarte
- 11] Dr. Rajendra Narayan Katkar
- 12] Sukhadeo Sitaram Tayade
- 13] Dr. Chandrakant Uttamrao Patil
- 14] Dr. Sanjay Bapuji Sakhare
- 15] Prakash Ambadas Gite
- 16] Dr. Dinkar Tryambakrao Deshmukh
- 17] Dr. Yogesh Deonathrao Charjan
- 18] Avinash Vithal Gajakos
- 19] Dr. Pramod Haribhau Bakane
- 20] Dr. Shyam Motiraoji Ghawade
- 21] Dr. Narayan Muralidhar Kale
- 22] Dr. Sheshrao Dawada Chavan
- 23] Dr. Sanjay Shrawan Wanjari
- 24] Dr. Surendra Rambhau Kalbande
- 25] Dr. Ishvar Lakhichand Pardeshi
- 26] Rajendra Dinkar Walke
- 27] Dr. Anita Bhagwantrao Chorey
- 28] Pundlik Namdeorao Sapkal
- 29] Dr. Kishor Janardanrao Kubde
- 30] Dr. Anil Bhagwantrao Turkhede
- 31] Dr. Shashank Govindrao Bharad
- 32] Dr. Archana Wasudeorao Thorat
- 33] Dr. Nilkanth Ramchandra Potdukhe
- 34] Dr. Rameshwar Baliram Ghorade
- 35] Dr. Vishnukant Suryabhan Tekale
- 36] Dr. Nitin Kashiram Patke
- 37] Dr. Dilip Bhagwan Patil
- 38] Dr. Mohan Vyankati Totawar
- 39] Dr. Vijay Sakharam Kale
- 40] Dr. Jayant Punjabrao Deshmukh
- 41] Dr. Anil P. Karunakar
- 42] Dr. Vijay Vitthalrao Gabhane
- 43] Dr. Rajesh Shankarrao Patole

- 44] Diwakar Pandhari Wahile
- 45] Dr. Shridhar Shankarrao Rewatkar
- 46] Dr. Sandip Prabhudas Lambe
- 47] Dr. Pankaj Prakashchandra Bhople
- 48] Dr. Varsha Vijayrao Tapre
- 49] Dr. Eknath Rangnath Vaidya
- 50] Dr. Mahendra Muralidhar Deshmukh
- 51] Dr. Suchita Vikaskumar Gupta
- 52] Dr. Kishor Dhanpal Gharde
- 53] Dr. Santosh Pundlik Divekar
- 54] Dr. Sanjay Manikrao Bhoyar
- 55] Dr. Pramod Kundlikrao Wakle
- 56] Dr. Ashok Nathu Patil
- 57] Rajesh Devidasrao Ghorpade
- 58] Dr. Shyam Dalsingh Jadhao
- 59] Nitin Subodh Gupta
- 60] Dr. Govindsing Gopalsing Jadhav
- 61] Dr. Ishwar Mahadeo Nagarare
- 62] Dr. Vinod Gulabrao Nagdeote
- 63] Dr. Gautam Rambhau Shamkuwar
- 64] Dr. Ommala Deorao Kchanwar
- 65] Mahendra Krishna Moon
- 66] Dr. Nishant Vasanttrao Shende
- 67] Dr. Nitin Ramesh Koshti
- 68] Dr. Wachandas Parmanand Badole
- 69] Dr. Arun Sheshrao Ingole
- 70] Rambhau Wamanrao Gawande
- 71] Dr. Milind Kisan Rathod
- 72] Vilas Sahadeorao Telgote
- 73] Dr. Shrikant Balasaheb Brahmankar
- 74] Dr. Vilas Gulabrao Atkare
- 75] Dr. Prema Ravindra Manapure
- 76] Dr. Vijaykumar Shriram Khawale
- 77] Dr. Vilas Jairam Tambe
- 78] Dr. Ramakant Pundlikrao Gajbhiye
- 79] Dr. Vinod Uttamrao Raut
- 80] Dr. Purushottam Sheshrao Neharkar
- 81] Dr. Ravindra Shankarrao Waghmare
- 82] Dr. Prashant Vasanttrao Shende
- 83] Dr. Vijay Mahadeo Ilorkar
- 84] Dr. Shrikant Baliram Amarshettiwar
- 85] Dr. Devanand Modka Panchabhai
- 86] Dr. Pramod Venkatrao Yadgirwar ... Petitioners

Versus

- 01] State of Maharashtra through its Secretary, Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries, Mantralaya, Mumbai-32
- 02] Maharashtra Council of Agricultural Education and Research, through its Director General, 132-B, Bhamburda, Bhosale Nagar, Pune 411 007
- 03] Dr. Punjabrao Deshmukh Krushi Vidyapeeth, Akola through its Registrar, Krushi Nagar, Akola

... Respondents

WITH
CIVIL APPLICATION NO. 9407 OF 2021 IN WP/7859/2021
 (DR. RAJENDRA GANPATRAO DESHMUKH & ORS.
 VS. THE STATE OF MAHARASHTRA & ORS.)

...

Mr. B. G. Kulkarni & Mr. N. B. Khandare – Advocate for Petitioner
 Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
 Additional Government Pleader for State Respondent no. 1,
 Mr. S. K. Kadam – Advocate for Respondent No. 2
 Mrs. Rashmi S. Kulkarni – Advocate for Respondent No. 3

...

WITH
WRIT PETITION NO. 10687 OF 2022

- 1] Dr. Krishna S/o Dinkar Chavan
- 2] Sampat S/o Shankarrao Kolpe
- 3] Dr. Nilkanth Bapusaheb More
- 4] Dr. Vinayak Ramchandra Joshi
- 5] Dr. Deepak S/o Deamodar Dudhade
- 6] Dr. Rajendra S/o Mohan Gethe
- 7] Dr. Ashok S/o Sidram Jadhav
- 8] Dr. Sarfrajkhan Habibkhan Pathan
- 9] Dr. Jitendra S/o Kashinath Dehmre
- 10] Dr. Suryabhan S/o Savita Ilhe
- 11] Dr. Madhav S/o Manohar Desai
- 12] Dr. Jotiram S/o Bhimrao Shinde

13] Dr. Mukund Tanhaji Bhingarde ... Petitioners

Versus

- 1] The State of Maharashtra
Through the Principal Secretary
For Agriculture, Animal Husbandry
Dairy Development and Fisheries
Department, Mantralaya,
Mumbai
- 2] Mahatma Phule Krushi Vidyapeeth
Rahuri, Tq. Rahuri
District Ahmednagar
Through its Registrar .. Respondents

WITH

CIVIL APPLICATION NO. 7070 OF 2023 IN WP/10687/2022

(DR. KRISHNA DINKAR CHAVAN & ORS. VS.
THE STATE OF MAHARASHTRA & ANR.)

...

Mr. V. D. Hon Sr. Counsel a/w Mr. A. D. Sonkawade i/b. Mr. A. V. Hon –
Advocate for petitioner,
Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
Additional Government Pleader for State Respondent no. 1,
Mr. Parag P. Shahane a/w. Mr. P. L. Shahane – Advocate for Respondent
No. 2

...

WITH

WRIT PETITION NO. 6274 OF 2023

Shrikant S/o Keshavrao Aherkar ... Petitioner

Versus

- 1] The Vice Chancellor, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola, Krishi Nagar,
Akola – 444 001
- 2] The Dean (Agriculture) and Director of
Instructions, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola – 444 001
- 3] The Registrar, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola, Krishi Nagar,
Akola – 444 001.

- 4] The Auditor and Comptroller,
Dr. Panjabrao Deshmukh Krishi Vidyapeeth,
Akola, Krishi Nagar, Akola – 444 001
- 5] The Pay and Accounts Officer,
Dr. Panjabrao Deshmukh Krishi Vidyapeeth,
Akola, Krishi Nagar, Akola – 444 001
- 6] The Head of the Department of
Entomology, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola, Krishi Nagar,
Akola – 444 001. ... Respondents

...
Mr. D. M. Kale a/w Gazala Shaikh, Sarvesh Puddatwar - Advocate for
petitioner
Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
Additional Government Pleader for State Respondent/State.
Mrs. Rashmi S. Kulkarni – Advocate for Respondent No. 4
...

**WITH
WRIT PETITION NO. 13858 OF 2018**

- 1] Dr. Rakesh Dnyandeo Ahire
- 2] Shri. Bhalchandra Vithalrao Patil
- 3] Dr. Sunil Sheshrao Mane
- 4] Dr. Sanjeev Dhondiba Bantewad
- 5] Dr. Deepak Khanderao Patil
- 6] Dr. Kiran Tukaram Jadhav
- 7] Dr. Raosaheb Gangaram Bhagyawant
- 8] Dr. Sunildutt Rajeshwar Jakkawad
- 9] Dr. Suryakant Baburao Pawar
- 10] Shri. Raosaheb Sampatrao Raut
- 11] Dr. R.C. Mahajan
- 12] Dr. A.A. Bharose
- 13] Dr. P.N. Karanjikar
- 14] Shri A.V. Gutte
- 15] Dr. D.S. Perke
- 16] Dr. B.M. Thombre
- 17] Dr. V.S. Khandare
- 18] Dr. D.S. Chauhan
- 19] Dr. R.B. Kshirgar
- 20] Dr. Shivaji Sayalu Yadlod
- 21] Dr. V.M. Bhosle
- 22] Dr. K.S. Gadhe
- 23] Prof. S.L. Badgujar

- 24] Dr. H.M. Syed
 25] Prof. H.W. Deshpande
 26] Dr. K.S. Baig
 27] Dr. Udhav Nilabhanu Alse
 28] Dr. K.T. Apet
 29] Prof. Santosh Haibati Kamble
 30] Dr. G.K. Londhe
 31] Dr. H.V. Kalpande
 32] A.K. Gore
 33] Dr. V.K. Khargakharate
 34] Shivaji Pandurang Mehtre ... Petitioners

Versus

- 1] The State of Maharashtra
 through Principal Secretary,
 Agriculture, Animal Husbandry,
 Dairy Development and Fisheries
 Department, Mantralay, Mumbai
- 2] Vasantao Naik Marathwada
 Agriculture University, Parbhani
 through Registrar ... Respondents

WITH

CIVIL APPLICATION NO. 9299 OF 2021 IN WP/13858/2018
 (DR. RAKESH DNYANDEO AHIRE & ORS. VS. THE STATE OF
 MAHARASHTRA & ANR.)

WITH

CIVIL APPLICATION NO. 12269 OF 2022 IN WP/13858/2018
 (THE STATE OF MAHARASHTRA VS. DR. RAKESH DNYANDEO AHIRE
 AND ORS.)

...

Mr. N. B. Khandare - Advocate for petitioner
 Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
 Additional Government Pleader for State Respondent/State.
 Mr. M. N. Nawandar – Advocate for Respondent No. 2

...

WITH

WRIT PETITION NO. 6275 OF 2023

Dr. Arun Sheshrao Ingole

... Petitioners

Versus

- 1] The Principal Secretary,
Agriculture, Animals Husbandry,
Dairy Development and Fisheries Department
State of Maharashtra, Mantralaya, Annexe,
Mumbai – 400 032.
- 2] The Principal Secretary of Finance
Department, State of Maharashtra, 5th Floor,
Mantralaya, Hutatma Rajguru Chowk,
Madam Kama Road, Mumbai – 400 032
- 3] The Director General of MCAER, Pune,
Office at 132/B, Bhamburda, Bhosale Nagar,
Pune – 411 007
- 4] The Joint Secretary of Agriculture, Animal,
Dairy & Fishery Department, State of
Maharashtra, Madam Kama Road, Annex,
5th Floor, Mantralaya, Mumbai – 400 032
- 5] The Vice Chancellor, Dr. Panjabrao
Deshmukh Krishi Vidyapeeth, Akola,
at Post Krishi Nagar, Akola – 444 104 (M.S.)
- 6] The Registrar, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola, At Post Krishi
Nagar,
Akola – 444 104 (M.S.)
- 7] The Comptroller, Dr. Panjabrao Deshmukh
Krishi Vidyapeeth, Akola, At Post Krishi Nagar,
Akola – 444 104 (M.S.)

... Respondents

...
Mr. D. M. Kale a/w Gazala Shaikh, Sarvesh Puddatwar - Advocate for
petitioner

Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil -
Additional Government Pleader for State Respondent/State.

Mrs. Rashmi S. Kulkarni – Advocate for Respondent No. 7

...

WITH
WRIT PETITION NO. 6276 OF 2023

- 1] Shri Rambhau Wamanrao Gawande
- 2] Dr. Rajendra Ganpatrao Deshmukh
- 3] Dr. Chandrakant Uttamrao Patil
- 4] Dr. Ashok Nathu Patil
- 5] Dr. Sanjay Shrawan Wanjari
- 6] Shri. Mahendra Krishna Moon ... Petitioners

Versus

- 1] The Principal Secretary, Agriculture, Animals Husbandry, Dairy Development and Fisheries Department, State of Maharashtra Mantralaya, Annexe, Mumbai – 400 032
- 2] The Principal Secretary of Finance Department, State of Maharashtra, 5th Floor, Mantralaya, Hutatma Rajguru Chowk, Madam Kama Road, Mumbai – 400 032
- 3] The Director General of MCAER, Pune Office at 132/B, Bhamburda, Bhosale Nagar, Pune – 411 007
- 4] The Joint Secretary of Agriculture, Animal, Dairy & Fishery Department, State of Maharashtra, Madam Kama Road, Annex, 5th Floor, Mantralaya, Mumbai – 400 032
- 5] The Vice Chancellor, Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola, At Post Krishi Nagar, Akola – 444 104 (M.S.)
- 6] The Registrar, Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola, At Post Krishi Nagar, Akola – 444 104 (M.S.)
- 7] The Comptroller, Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola At Post Krishi Nagar, Akola – 444 104 (M.S.) ... Respondents

...

Mr. D. M. Kale a/w Gazala Shaikh, Sarvesh Puddatwar - Advocate for petitioner

Mr. A. V. Anturkar, Sr. Counsel (Special Counsel) i/b. Mr. P. S. Patil - Additional Government Pleader for State Respondent/State.

Mrs. Rashmi S. Kulkarni – Advocate for Respondent No. 7

...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

RESERVED ON : 11 AUGUST 2023
PRONOUNCED ON: 18 OCTOBER 2023

JUDGMENT (MANGESH S. PATIL, J.) :

Rule. Rule is made returnable forthwith. Heard the learned senior advocates and learned advocates representing the different petitioners and the respondents in all these petitions. Though the petitions have been filed at different benches, those have been clubbed and assigned to this bench since these involve same issue.

2. The common issue that arises for consideration in all these matters is as to if the petitioners who have been serving as associate professors in the respondent agricultural universities from across the state are entitled to the revision of their pay scale pursuant to the communication received from the Government of India, Ministry of Human Resources Development addressed to the Secretary of the University Grants Commission (UGC) on 31.12.2008, at par with the teachers from the same category in the universities of the Central Government, on the recommendations of the sixth pay commission.

3. On 28.02.2009 UGC addressed a letter to the Education Secretary of all the States for undertaking revision of pay of the teachers according to 6th pay recommendations.

4. The Government of India through the Ministry of Agriculture issued a communication to the Chief Secretaries of the State on

13.03.2009 regarding revision of salaries of the teachers of the State Agricultural universities. Based on that the Government of Maharashtra through Ministry of Agriculture published a detailed Government Resolution dated 18.03.2010 directing revision of pay of the teachers like the petitioners who are the assistant professors in the agricultural universities in the State receiving government aid and affiliated in accordance with the UGC regulations.

5. The Government Resolution of the State Government dated 18.03.2010 inter alia provided Appendix I, in respect of the assistant professor (selection grade) / associate professor. It provided at serial no. 3 and 4 as under :-

Sr no.	Pre-revised designation / pay scale	Revised Designation/Pay Band + AGP	Function of Incumbents/ New Entrants
3.	Assistant Prof (Selection Grade) / Associate Prof : 12000-420-18300 (Not completed 3 years on 01.01.06)	Assttant Professor (Selection Grade) / Associate Professor (till they complete 3 years) / Assistant Professor : 15600-39100+ AGP 8000	i) Incumbent Assistant Professor (Selection Grade) / Associate Professor not competed 3 years on 01.01.2006 shall be fixed at the appropriate stage in PB. - 15600-39100 with AGP 8000 till they complete 3 years in 12000-18300, and thereafter shall be placed in PB-37400-67000 with AGP of 9000 and redesignated as Associate Professor. ii) Assistant Professors after completion of 5 years in AGP 7000 on satisfying the eligibility conditions laid down by the UGC/ICAR from time to time.
4.	Assistant Professor (Selection Grade)/ Associate Professor:12000-420-8300 (Completed 3 years on 1.1.06)	Associate Professor: 37400-67000 + AGP 9000	i) Incumbent Assistant Professors (Selection Grade)/ Associate Professors completed 3 years on 1.1.06 in the scale of 12000-420-18300, shall be placed in PB.- 37400-67000 with AGP 9000 and re-designated as Associate Professor. ii) Assistant Professors after completion of 3 years in AGP 8000 on satisfying the eligibility conditions laid down by the UGC from time to time.

6. On 20.09.2010, a corrigendum was issued in respect of Government Resolution dated 18.03.2010 and in paragraph no. 9(ii), it was stated that it should be read as 01.01.2006 to 31.03.2010 and Appendix I-A was added. The relevant correction in respect of entry at serial no. 8 of the Government Resolution provided as under :-

Sr no	Name of Post	Existing Pay Scale shown in M.C.S (Revised pay) Rules, 1998	Eligibility	Revised Pay Band
8.	Associate Professor	1) 12000-420-18300	Associate Professor as on 1.1.2006 & also directly selected or promoted thereafter	37400-67000 +9000 (Grade pay)
		2) 12000-420-18300	Completed 3 years in AGP Rs. 9000 with Ph.D	37400-67000 +10000 (Grade pay)

Accordingly the petitioners' scales were revised and they were all fixed in the scale of 37,400-67,000 + 10,000 GP

7. It is necessary to note that some of the petitioners have withdrawn the writ petitions and the facts can be collated as under :-

Details of Writ Petitions

Sr no	Writ Petition no.	Name of State Agricultural Universities	Total petitioners
1.	13634/ 2018 (Aurangabad bench)	MPKV (<u>Rahuri</u>)	80 (100-20) 20 petitioners have withdrawn
2.	6428/ 2021 (Bombay)	BSKVV (<u>Dapoli</u>)	17 (22-5) 5 petitioners have withdrawn
3.	1385/ 2018 (Aurangabad bench)	VNMKV (<u>Parbhani</u>)	34
4.	7859/ 2021 (Aurangabad bench)	Dr. PDKV (<u>Akola</u>)	84 (86-2) 2 petitioners have withdrawn the WP

5.	6274/ 2023 (Nagpur bench)	As above	Shrikant keshavrao Aherkar
6.	6275/ 2023 (Nagpur bench)	As above	Arun Sheshrao Ingole
7.	6276/ 2023 (Nagpur bench)	As above	6

8. On 24.08.2018 the State government through the Agricultural department cancelled the corrigendum and directed the recoveries to be made from the petitioners and similarly situated persons. Aggrieved thereby, these petitions.

9. The learned senior advocate Mr. Hon, Mr. Kale, Mr. Khandare and Mr. Kulkarni for the petitioners would submit that the Government Resolution dated 18.03.2010 issued by the State government was regarding pay structure of different categories of teachers which was to be implemented in accordance with the sixth pay commission recommendation with effect from 01.01.2006. Those posts included the Assistant Professors / Associate Professors / Professors in colleges and universities. Since the petitioners are directly recruited they were governed by clause 2(a)(i), (viii) and (xiv) and were not governed by clause 2(a)(ix) and (x). They would therefore submit that the petitioners' pay has been revised in accordance with the Government Resolution and the impugned action of recoveries is clearly illegal and could not have been revised by resorting cancellation *ex post facto*.

10. Per contra, the learned senior advocate Mr. Anturkar for the State who appears as a special counsel submits that by the Government of India vide communication dated 31.12.2008 and 13.03.2009 had

informed the State of Maharashtra that if it so wanted it could adopt and implement the pay scale provided therein as framed by the Central Government and in that case, the Central Government will undertake the financial obligation to the tune of 80% till 31.03.2010. He would submit that it was expressly informed to the State that the scheme was to be implemented as it is and without any modification. He would submit that the Centrally sponsored scheme was to be implemented strictly in the letter and spirit. The Central government was to bear 80% of the financial obligation only upto 31.03.2010. He would submit that corrigendum dated 20.09.2010 was issued without seeking concurrence of the finance department as is required by the Rules of Business framed under Article 166 of the Constitution of India. The error was sought to be rectified by issuing impugned communication dated 24.08.2018. The petitioners had derived the financial benefit due to such wrong pay fixation to which they were never entitled to and the impugned action merely seeks to make recoveries of the money to which they were not entitled to.

11. Mr. Anturkar would submit that the petitioners had executed undertakings to refund the excess payments received if it was so found at a later point. Those undertakings were given in accordance with the relevant clause from the basic G.R. dated 18.03.2010. The situation would be covered by *High Court of Punjab and Haryana and others Vs. Jagdev Singh; (2016) 14 SCC 267*. Even if they claim to fall under

specific category laid down in the matter of *The State of Punjab and others Vs. Rafiq Masih (WhiteWasher) AIR 2015 SC 696*, those directions cannot be made equally applicable to all the petitioners. If at all they claim to be entitled to derive some benefit from the categories of cases contemplated therein, it is the prerogative of the State. They are supposed to make representation as contemplated therein which the State Government may consider on its own merits depending upon the fact situation and on case to case basis. He would submit that the petitioners who are holding the higher posts in the agricultural universities cannot claim any inherent right to retain the money received wrongfully. If they were not entitled to the revision of the pay scale and still have been able to recover something due to wrong pay fixation, the State government being the employer can certainly seek to make the recoveries.

12. We have considered the submissions and perused the record. Admittedly, the recommendations of the 6th pay commission were made applicable to the State Agricultural Universities and two affiliated colleges by Government Resolution dated 18.03.2010. It also provided Appendix I. Since the controversy revolves around the revision of the pay of the persons from the cadre of Associate Professor, the relevant extract of the GR contained in clause 2 (viii) to (xiv) would be relevant and which read as under :

“(viii) Posts of Associate Professor shall be in the Pay Band of

- Rs.37400-67000, with AGP of Rs.9000. Directly recruited Associate Professors shall be placed in the Pay Band of Rs.37400-67000 with an AGP of Rs.9000, at the appropriate stage in the Pay Band in terms of the conditions of appointment.
- (ix) Incumbent Associate Professors and Assistant professors (Selection Grade) who have completed 3 years in the current pay scale of Rs.12000-18300 on 1.1.2006 shall be placed in Pay Band of Rs.37400-67000 with AGP Pay of Rs.9000 and shall be re-designated as Associate Professor.
- (x) Incumbent Associate Professors and Assistant professors (Selection Grade) who had not completed three years in the pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed at the appropriate stage in the Pay Band of Rs.15600-39100 with AGP of Rs.8000 till they complete 3 years of service in the grade of Assistant professors (Selection Grade) Associate Professors, and thereafter shall be placed in the higher Pay Band of Rs.37400-67000 and accordingly re-designated as Associate Professor.
- (xi) Associate Professors and Assistant Professors (Selection Grade) in service at present shall continue to be designated as Assistant Professor (Selection Grade) or Associate Professor, as the case may be, until they are placed in the Pay Band of Rs.37,400-67000 and re-designated as Associate Professor in the manner described in (x) above
- (xii) Assistant Professors completing 3 years of teaching in the AGP of Rs.8000 shall be eligible, subject to other conditions that may be prescribed by the UGC/ICAR and the university, to move to the Pay Band of Rs.37400-67000 with AGP of Rs.9000 and to be designated as Associate Professor.
- (xiii) Associate Professor completing 3 years of service in the AGP of Rs.9000 and possessing a Ph.D degree in the discipline shall be eligible to be appointed and designated as Professor, subject to other conditions of academic performance as laid down by the UGC/ICAR and if any by the university. No teacher other than those with a Ph.D. shall be promoted, appointed or designated as Professor. The Pay Band for the post of Professors shall be Rs.37400-67000 with AGP of Rs. 10000.
- (xiv) The pay of a directly recruited Professor shall be fixed at a stage not below Rs.43000 in the Pay Band of Rs.37400-

67000, with the applicable AGP of Rs.10000.”

Table showing Pre-revised Designations/ Pay Scales and corresponding Designations/Pay bands and Academic Grade Pay (AGP) as on and from 1st January 2006 for University/College Teachers and Other personnel in University/College contained in Appendix I are as under :

Sr no.	Pre-revised designation / pay scale	Revised Designation/Pay Band + AGP	Function of Incumbents/ New Entrants
1.	Assistant Professor 8000-275-13500	Assistant Professor : 15600-39100+ AGP 6000	i) Incumbent Assistant Professor shall be fixed at the appropriate stage in PB. - 15600-39100 with AGP 6000
2.	Assistant Professor (Senior Scale)10000-325-15200	Associate Professor: 15600-39100 + AGP 7000	i) Incumbent Assistant Professor (Senior Scale) shall be fixed at the appropriate stage in PB. -15600- 39100 with AGP 7000 ii) Assistant Professors after completion of 4 years for those possessing Ph.D at entry level., 5 years possessing M.Phil/M.Tech. Etc. at entry level and 6 years for others (without Ph.D./M.Phil.etc) in AGP 6000 on satisfying the eligibility conditions laid down by the UGC/ICAR from time to time.
3.	Assistant Professor (Selection Grade)/Associate Professor : 12000-420-18300 (Not completed 3 years on 01.01.2006)	Assistant Professor (Selection Grade)/Associate Professor (till they complete 3 years)/ Assistant Professor: 15600-39100+AGP 8000	i) Incumbent Assistant Professor (Selection Grade)/Associate Professor not competed 3 years on 01.01.2006 shall be fixed at the appropriate stage in PB. - 15600-39100 with AGP 8000 till they complete 3 years in 12000-18300, and thereafter shall be placed in PB - 37400-67000 with AGP of 9000 and redesignated as Associate Professor. ii) Assistant Professors after completion of 5 years in AGP 7000 on satisfying the eligibility conditions laid down by the UGC/ICAR from time to time.
4.	Assistant Professor (Selection Grade)/Associate Professor : 12000-420-18300 (Completed 3 years on 01.01.06)	Associate Professor : 37400-67000 + AGP 9000	i) Incumbent Assistant Professors (Selection Grade)/Associate Professors completed 3 years on 01.01.06 in the scale of 12000-420-18300, shall be placed in PB.-37400-67000 with AGP 9000 and re-designated as Associate Professor. ii) Assistant Professors after competition of 3 years in AGP 8000 on satisfying the eligibility conditions laid down by the UGC from time to time.

13. The learned advocates for the petitioners made endeavour to demonstrate clause 2(a)(viii) to (xiv) (supra) and particularly emphasized clause (viii) to buttress their submissions that the petitioners being the directly recruited associate professors have been correctly fixed in the revised pay band of Rs.37400-67000 with AGP of Rs.9000. As against which Mr. Anturkar would interpret these clauses to bring home his point that the Associate Professors were mandatorily required to complete three years of service in the grade of Assistant Professors (Selection Grade)/Associate Professors in the pay band of Rs.15600-39100 with AGP of Rs.8000/-. It is only after completion of three years in that pay band that such Associates Professors could be placed in the higher pay band of 37400-67000.

14. As can be seen, clause (viii) is in the form of a declaration that the post of Associate Professor would fall in the pay band of 37400-67000. Further clause (xii) if read conjointly with clause (viii) would demonstrate that any person appointed as an Assistant Professor for first three years has to be placed in the pay band of Rs.15600-39100 with AGP of Rs.8000. Those who have already completed three years as on 01.01.2006 would be placed in the pay band of 37400-67000 with AGP of 9000. Those who had not completed three years as on 01.01.2006 would continue to be placed in the pay band 15600-39100 with AGP of 8000 till they would complete three years and thereafter would be placed in the higher pay band of 37400-67000 with AGP of 9000.

15. Admittedly, this Government Resolution dated 18.03.2010 with Appendix - I, *inter alia* laid down rules for fixation of pay in the revised pay band and fixation pay in the revised scale after 01.01.2006. In clause 5 it contained a table shown pre-revised designation/pay scales and corresponding designation/pay band and Academic Grade Pay (AGP) as on and from 01.01.2006 (supra). If the entries at serial Nos.1 to 4 are carefully examined, the aforementioned inference would be fully corroborated from the last column to the effect that it is only after completion of three years on the post of Assistant Professor (Selection Grade)/Associate Professor for a period of three years in the pay band of 12000-420-18300 they have to be placed in the pay band of 37400-67000 with AGP 9000. Therefore, a plain reading of these provisions from the basic Government Resolution dated 18.03.2010 as understood in the light of Appendix-I is sufficient to negate the attempt of the petitioner to demonstrate that they were entitled to be fixed in the revised pay scale of 37400-67000 with AGP of 9000 on 01.01.2006. Though the revised pay scale for the post of Assistant Professor with effect from 01.01.2006 was to be that much, it was incumbent on the part of the persons like the petitioners to have completed three years of service in the pre-revised scale of 12000-420-18300.

16. The corrigendum dated 20.09.2010 was issued by the Agriculture, Animal Husbandry, Dairy Department and Fisheries Department of the Government of Maharashtra thereby adding Appendix

- I-A to the basic Government Resolution dated 18.03.2010. As is pointed out herein above the entry No.8 from Appendix-I-A would read that in respect of the Assistant Professors the existing payscale according to the 5th Pay commission which was 12000-420-18300, was shown to be revised to 37,400-67,000 with grade pay of 9000 to all the incumbent Assistant Professor as on 01.01.2006 and also directly selected or promoted thereafter and on completion of three years in that scale possessing Ph.D were shown to be entitled to the same pay band but with grade pay of 10000/-. *Ex facie*, this Appendix-I-A was running contrary to the basic GR and particularly the clauses 2 (viii) to 2 (xiv).

17. It is, therefore, quite clear that the corrigendum dated 20.09.2010 in all probability was issued by the concerned department of the State Government which led to the chaos. It is in view of such corrigendum and not otherwise that the petitioners have been claiming and also were paid in the revised pay scale ignoring this mandatory requirement contained in the basic GR dated 18.03.2010 requiring the incumbent Associate Professors to put in three years in the pay scale of 12000-420-18300.

18. In order to overcome and rectify such error the Government issued the impugned order dated 24.08.2018 thereby revoking the corrigendum dated 20.09.2010. Consequent thereto the Agricultural Universities issued circulars expressly directing that the Associate Professors who had not completed three years in the pay scale of 12000-

420-18300 whose pays was revised and fixed in the scale of 37400-67000 with AGP 9000 to be recovered.

19. The stand of the State Government that the corrigendum dated 20.09.2010 was issued without the approval of the Finance Department as was mandatorily required by the Maharashtra Government Rules of Business and Instructions issued under Clause 2 and 3 of Article 166 of the Constitution of India has not been controverted by the petitioners. Obviously, though there cannot be any dispute about the legality of the Government Resolution dated 18.03.2010, as far as the corrigendum is concerned, apparently it was issued without concurrence of the Finance Department as is required by Rule 48 of the Maharashtra Government Rules of Business and Instructions framed under Article 166 (2) of the Constitution of India. By the impugned Government decision dated 24.08.2018, this corrigendum has been revoked.

20. Independently, as is mentioned in herein above, the Assistant Professor (Selection Grade)/Associate Professors were not entitled to be fixed in the revised pay scale under the 6th Pay Commission in the pay band of 37400-67000 with GP of 9000 without putting in three years irrespective of the fact that they were in pay scale of 12000-420-18300 or in the pay scale of 15600-39100 and were not entitled to the revised pay scale directly of 37400-67000. The impugned decision of the Government which was even otherwise having the legal infirmity in the form of want

of previous approval of the Finance Department and was merely a departmental circular, the action to revoke it to set right the things cannot be legally questioned. It is not that something to which the petitioners were otherwise entitled to was being taken away. We find no legal infirmity in the impugned order.

21. Incidentally this last observation is being resorted to as a reasoning by Mr. Anturkar to buttress his submission that in the peculiar circumstances of the present matters even the petitioners cannot derive the benefit of the decision in the matter of **Rafiq Masih (WhiteWasher)** (supra). He would submit that once it is found that the petitioners have received something to which they were never entitled to, it would be a matter of unjust enrichment. The petitioners are from group A cadre, highly qualified and had even undertaken to refund the amount if it was erroneously paid to them during pay fixation. He would submit that even otherwise, the excess payment made to the petitioners due to wrong pay fixation would be recovered from the arrears to be paid to them in the subsequent pay fixation according to the 7th Pay Commission. Even it would be a prerogative of the State, taking into consideration the peculiar facts and circumstances *qua* each of these petitioners and similarly placed persons but the petitioners in no way can derive the benefit from **Rafiq Masih (WhiteWasher)** (supra).

22. Per contra, Mr. Hon, Mr. Kulkarni, Mr. Khandare and Mr. Kale for the petitioners would submit that **Rafiq Masih (WhiteWasher)** (supra)

lays down various categories of the cases and even it is mentioned therein that those categories are not exhaustive. Group C and Group D employees is only one of the categories. Some of the petitioners have superannuated and would also be governed by the other categories.

23. True it is that even prior to **Rafiq Masih (WhiteWasher)** (supra) the issue regarding recoveries to be made from the employees in respect of the excess payment made during pay fixation were dealt with and all those matters were considered in the matter of **Rafiq Masih (WhiteWasher)** (supra). However, simultaneously one cannot lose site of the fact that the field occupied by **Rafiq Masih (WhiteWasher)** (supra) subsequently was also a matter of consideration by the Supreme Court in the case of **High Court of Punjab and Haryana and others Vs. Jagdev Singh; (2016) 14 SCC 267**.

24. Suffice for the purpose to observe that the basic Government Resolution dated 18.03.2010 *inter alia* expressly provided in clause 11(iv) that an undertaking shall be taken from every beneficiary under the scheme to the effect that any excess payment made on account of incorrect fixation of pay in the revised Pay Bands or grant of inappropriate Pay Band/Academic Grade Pay or any other excess payment made shall be adjustable against the future payments due or otherwise to the beneficiary in the same manner as provided in HRD Ministry's O.M. No. F23-7/2008-IFD dated 23.10.2008 read with Ministry of Finance (Department of Expenditure) O.M. No.F1-1/2008-IC dated

30.08.2008, which was annexed as Appendix - III. All the petitioners and several similarly situated persons whose pays were revised pursuant to this Government Resolution dated 18.03.2010 were bound by this clause and have executed requisite undertakings. If such is the state of affairs, the petitioners' case would stand on a different footing as compared to the iniquitous recoveries in the situations covered by **Rafiq Masih (WhiteWasher)** (supra). This is what precisely is the ratio of **Jagdev Singh** (supra). Paragraph Nos.10 to 13 are relevant and read as under ;

10. *In State of Punjab & Ors etc. vs. Rafiq Masih (White Washer) etc. (AIR 2015 SC 696) this Court held that while it is not possible to postulate all situations of hardship where payments have mistakenly been made by an employer, in the following situations, a recovery by the employer would be impermissible in law:*
- “(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
 - (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
 - (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
 - (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
 - (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”*
- [emphasis supplied]*
11. *The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.*
12. *For these reasons, the judgment of the High Court which set aside*

the action for recovery is unsustainable. However, we are of the view that the recovery should be made in reasonable instalments. We direct that the recovery be made in equated monthly instalments spread over a period of two years.

13. *The judgment of the High Court is accordingly set aside. The Civil Appeal shall stand allowed in the above terms. There shall be no order as to costs."*

25. In view of the fact that the petitioners are highly educated and having executed undertakings and having derived the benefit subject to the stipulation contained in Appendix - III (supra) cannot now seek to rely upon the decision in the matter of **Rafiq Masih (WhiteWasher)** (supra) and rather would be governed by **Jagdev Singh** (supra). Though few other judgments have been cited at the bar by both the sides, for the reasons mentioned herein above, reliance on the decision in the matter of **Jagdev Singh** (supra) seals the fate of the matters.

26. Perhaps in the light of the observation in **Jagdev Singh** (supra) Mr. Anturkar fairly submitted at the bar that even if some concession is to be extended to any of the petitioners or similarly situated persons, it would depend upon the peculiar facts and circumstances for which the incumbent will have to make appropriate representation which could be considered by the State on its individual merit. However, he would submit, no blanket protection could be granted. Even the undertakings mentioned herein above enables the Government to get the excess payment refunded either by adjustment against future payments or otherwise.

27. The upshot, the impugned action of issuing order dated

24.08.2018 thereby revoking corrigendum dated 20.09.2010 and the subsequent steps being taken by the universities pursuant thereto of seeking the refund from the petitioners cannot be said to be illegal. Therefore in substance the petitions fail.

28. The writ petitions are dismissed. However, the State Government shall wherever the petitioners and the similarly placed persons are still in the employment shall make the recoveries from the future payments to be made to them. In respect of such of the petitioners and similarly placed persons who have superannuated they shall be at liberty to make appropriate representation to the State Government to be routed through the respective universities/colleges which shall be considered by the State Government on case to case basis and on individual merit. It is made clear that we are not laying down any parameters for extending such concession.

29. The rule is discharged in above terms.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

30. At this juncture the learned advocates for the petitioners submit that the interim relief has been in operation till date and the petitioners be extended some breathing time so that they can approach the Supreme Court.

31. Operation of this order shall stand stayed for a period of three weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

ITEM NO.15

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24827/2023

(Arising out of impugned final judgment and order dated 18-10-2023 in WP No. 7859/2021 passed by the High Court Of Judicature At Bombay At Aurangabad)

RAJENDRA GANPATRAO DESHMUKH & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.229231/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.229228/2023-EXEMPTION FROM FILING O.T. and IA No.229227/2023-PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 25008/2023 (IX)

(FOR ADMISSION and I.R. and IA No.231850/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.231851/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No. 24960/2023 (IX)

(FOR ADMISSION and I.R. and IA No.231091/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.231086/2023-EXEMPTION FROM FILING O.T.)

Date : 08-11-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv.
Mr. Gagan Sanghi, Adv.
Ms. Farah Hashmi, Adv.
Ms. Aishwarya Dash, Adv.
Dr. Prashant Pratap, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Sudhanshu S. Choudhari, AOR
Mr. N.B. Khandare, Adv.
Ms. Rucha A. Pande, Adv.
Mr. M. Veeraragavan, Adv.
Ms. Gautami Yadav, Adv.
Mr. Pranjal Chapalgaonkar, Adv

Signature valid

Digitally signed by
Date: 2023.11.08 18:01:00
Reason

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

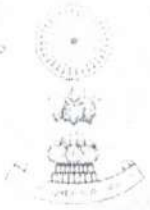
On the oral request made by Sh. Shekhar Naphade, learned senior counsel, and Sh. Sudhanshu S. Choudhari, learned counsel appearing for the petitioners, service on proforma Respondent Nos. 4 to 18 in SLP (C) No. 24827 of 2023, proforma Respondent Nos. 3 to 20 in SLP (C) No. 24960 of 2023 and proforma Respondent Nos. 3 to 8 in SLP (C) No. 25008 of 2023 is dispensed with.

Issue notice to the other respondents, returnable in six weeks.

Until further orders, there shall be stay of recovery from the petitioners.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER



SUPREME COURT OF INDIA

॥ यतो धर्मस्ततो जयः ॥



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<https://apps.apple.com/in/app/supreme-court-of-india/id1441111111>

Case Information (click here)

Diary Number

Case Number

Party Name

AOR

9100

Case Type

Number

SPECIAL LEA ▾

25008

Diary No. - 45976 - 2023

RAKESH DNYANDEO AHIRER vs. THE STATE

Case Details

Diary No

45976/2023 Filed on 03-11-2023 11:12 AM [SECTIC

Case No

SLP(C) No. 025008 - / 2023 Registered on 06-11-20
(Verified On 06-11-2023)

Present/Last Listed
On

08-11-2023 [HON'BLE MR JUSTICE J.K. MAHESHW
VISWANATHAN]

Status/Stage

Pending - (Motion Hearing
[FRESH (FOR ADMISSION) - CIVIL CASES]) Notice
(stay)-Ord dt 08-11-2023

Tentatively case may
be listed on (likely to
be listed on)

02-01-2024 (Computer generated)

Category

0610-Service Matters : Pay scales

Act

DR. V. S. KHANDARE
SERVICE HEAD DEPARTMENT OF AGRICULTURE
PARBHANI, PARBHANI, MAHARASHTRA

2 BHALCHANDRA VITHALRAO PATIL
SERVICE ASSOC PROFESSOR, COLLEGE OF AGRICULTURE
MAHARASHTRA

3 SUNIL. SHESHRAO MANE
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

4 SANJEEV DHONDIBA BANTEWAD
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

5 DEEPAK KHANDERAO PATIL
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

6 KIRAN TUKARAM JADHAV
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

7 RAOSSAHEB GANGARAM BHAGYAWANT
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

8 DUNILDUTT RAJESHWAR JAKKAWAD
SERVICE DR. ASSOC PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

9 SURYAKANT BABURAO PAWAR
SERVICE ADR, NARP, AURANGABAD, MAHARASHTRA

10 R.C. MAHAJAN
SERVICE DR. ASSOC. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

11 A. A. BHAROSE
SERVICE DR. ASSOC. PROF COLLEGE OF AGRICULTURE
MAHARASHTRA

12 D. S. PERKE
SERVICE DR. PROFESSOR COLLEGE OF AGRICULTURE
MAHARASHTRA

13 V. S. KHANDARE
SERVICE DR. PROFESSOR, AICRP ON VEGETABLES
MAHARASHTRA

14 R.B. KSHIRGAR
SERVICE DR. ASSOC PROFESSOR, COLLEGE OF AGRICULTURE
MAHARASHTRA

15 V.M. BHOSLE
SERVICE DR. ASSOC PROFESSOR, COLLEGE OF AGRICULTURE
MAHARASHTRA

16 DR. K.S. GADHE

Petitioner(s)

SERVICE DR. ASSOC PROFESSOR, COLLEGE OF
MAHARASHTRA

17 DR. H. M. SYED
SERVICE DR. ASSOC. PROFESSOR, COLLEGE OF
MAHARASHTRA

18 PROF. H.W. DESHPANDE
SERVICE PROF ASSOC PROFESSOR, COLLEGE
MAHARASHTRA

19 K S BAIG
SERVICE DR. PROFESSOR, COTTON RESEARCH

20 G. K. LONDHE
SERVICE DR. ASSOC PROFESSOR, COLLEGE OF
MAHARASHTRA

21 H.V. KALPANDE
SERVICE DR. ASSOC PROFESSOR, COLLEGE OF
MAHARASHTRA

22 A. K. GORE
SERVICE ASSOC PROFESSOR, COLLEGE OF DR
MAHARASHTRA

23 B. M. THOMBRE
SERVICE DR. HEAD, DEPARTMENT OF ASDS, CO
MAHARASHTRA

24 PROF. S. L. BADGUJAR
SERVICE ASSOC PROFESSOR, COLLEGE OF AG

25 PROF. SANTOSH HAIBATI KAMBLE
SERVICE PROFESSOR ASSOC PROFESSOR, CO
MAHARASHTRA

26 A.V. GUTTE
SERVICE EXTN. AGRONOMIST/ASSOC PROF, AM

27 P. N. KARANJIKAR
SERVICE DR. ASSOC PROFESSOR, COLLEGE OF
MAHARASHTRA

28 D. S. CHAUHAN
SERVICE DR. ASSOC PROFESSOR, CATTLE CRC
MAHARASHTRA

THE STATE OF MAHARASHTRA
PRINCIPAL SECRETARY AGRICULTURE WANKRA

2 VASANTRAO NAIK
MARATHWADA AGRICULTURE UNIVERSITY THRC
MAHARASHTRA

3 RAOSAHEB SAMPATRAO RAUT
SERVICE ASSOC. PROFESSOR, NARP ,AURANG,

4 SHIVAJI SAYALU YADLOD
SERVICE DR. ASSOC. PROFESSOR, COLLEGE O
MAHARASHTRA

Respondent(s)

5 UDHAV NILABHANI ALSE
SERVICE DR. EXTN. AGORNOMIST/ASSOC. PRO

6 K.T. APET
SERVICE DR. ASSOC. PROFESSOR, COLLEGE O
MAHARASHTRA

7 V.K. KHARGAHKARATE
SERVICE DR. ASSOC. PROFESSOR, CRS ,NANDI

8 SHIVAJI PANDURANG MEHTRE
SERVICE DR. ASSOC. PROFESSOR, AGRICULTU
MAHARASHTRA

Pet. Advocate(s)

SUDHANSHU S. CHOUDHARI

Resp. Advocate(s)

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