

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7187 OF 2015

1. Rajendra S/o Ramaji Dhawale,
Age : 42 years, Occu. : Service,
District & Sessions Court, Chandrapur.
2. Shripad S/o Wasudeorao Patil,
Age : 48 years, Occu. : Service,
District & Sessions Court, Nagpur.
3. Shaikh Nasiroddin S/o Riyazoddin,
Age : 50 years, Occu. : Service & Agril.,
District & Sessions Court, Jalna.
4. Shirish S/o Dinkarrao Deshmukh,
Age : 43 years, Occu. : Service,
District & Sessions Court, Jalna.
5. Baban S/o Daulatrao Wabale,
Age : 49 years, Occu. : Service,
District & Sessions Court, Pune.
6. Anil S/o Govindrao Tawale,
Age : 46 years, Occu. : Service,
District & Sessions Court, Pune.
7. Pramod S/o Shivram More,
Age : 42 years, Occu. : Service,
District & Sessions Court, Pune.
8. Vijay S/o Bhaurao Kale,
Age : 57 years, Occu. : Service,
District & Sessions Court, Nashik.
9. Vasant S/o Sadashiv Kamankar,
Age : 52 years, Occu. : Service,
District & Sessions Court, Nashik.

10. Vijay S/o Nivrutti Bhagwat,
Age : 51 years, Occu. : Service,
District & Sessions Court, Nashik.
11. Javed Iqubal S/o Mohd. Abdul Rauf,
Age : 51 years, Occu. : Service,
District & Sessions Court, Jalna.
12. Vijay S/o Namdeorao Ganorkar,
Age : 44 years, Occu. : Service,
District & Sessions Court, Nagpur.
13. Gajanan S/o Devidas Dahake,
Age : 52 years, Occu. : Service,
District & Sessions Court, Buldhana.
14. Namdeo S/o Sopanrao Narkhede,
Age : 55 years, Occu. : Service,
District & Sessions Court, Buldhana.
15. Dhananjay S/o Vishwanathrao Matre,
Age : 40 years, Occu. : Service,
District & Sessions Court, Buldhana.
16. Sk. Abdul Gaffar Sk. Abdul Raheman,
Age : 56 years, Occu. : Service,
District & Sessions Court, Aurangabad.
17. R. S. Misal,
Age : 57 years, Occu. : Service,
District & Sessions Court, Aurangabad.
18. Manoj S/o Shankarrao Nangre,
Age : 35 years, Occu. : Service,
District & Sessions Court, Aurangabad.
19. Ravindra S/o Maruti Gujar,
Age : 48 years, Occu. : Service,
District & Sessions Court, Kolhapur.

20. Vinod S/o Vishwanath Kadu,
Age : 44 years, Occu. : Service,
District & Sessions Court, Wardha.
21. Mirza Salim Baig S/o Mirza Shafiullah Baig,
Age : 51 years, Occu. : Service,
District & Sessions Court, Akola.
22. Ravindra S/o Vinayakrao Tare,
Age : 54 years, Occu. : Service,
District & Sessions Court, Akola.
23. Bhagwan S/o Vishnu Bhatkar,
Age : 54 years, Occu. : Service,
District & Sessions Court, Akola.
24. Premchand S/o Jindas Madkar,
Age : 49 years, Occu. : Service,
District & Sessions Court, Beed.
25. Abdul Halim S/o Gulam Mohammad,
Age : 50 years, Occu. : Service,
District & Sessions Court, Beed.
26. Jalindar S/o Babanrao Pokle,
Age : 30 years, Occu. : Service,
District & Sessions Court, Beed.
27. Siddheshwar S/o Sharanappa Kurle,
Age : 43 years, Occu. : Service,
District & Sessions Court, Sola.
28. Gorakh S/o B. Bhaskar,
Age : 48 years, Occu. : Service,
District & Sessions Court, Solapur.
29. Prasad S/o P. Dhamangaonkar,
Age : 49 years, Occu. : Service,
District & Sessions Court, Solapur.

30. Jayant S/o R. Kulkarni,
Age : 52 years, Occu. : Service,
District & Sessions Court, Satara.
31. Ashok S/o K. Mane,
Age : 47 years, Occu. : Service,
District & Sessions Court, Satara.
32. Milind S/o B. Mote,
Age : 43 years, Occu. : Service,
District & Sessions Court, Satara.
33. Subhash S/o Satyadeo Akolkar,
Age : 49 years, Occu. : Service,
District & Sessions Court, Yavatmal.
34. Ghanshyam S/o Zingraji Chute,
Age : 49 years, Occu. : Service,
District & Sessions Court, Yavatmal.
35. Vikas S/o Vishwanath Joshi,
Age : 53 years, Occu. : Service,
District & Sessions Court, Sangli.
36. Nanasaheb S/o Tanaji Patil,
Age : 49 years, Occu. : Service,
District & Sessions Court, Sangli.
37. Sanjay S/o Shyamrao Kulkarni,
Age : 47 years, Occu. : Service,
District & Sessions Court, Sangli.

.. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Law & Judiciary Department,
Mantralaya, Mumbai-400032.
2. The High Court of Bombay,
Through its Registrar General.

3. The Chief Secretary,
General Administration Department
(Service), Mantralaya,
Mumbai-32.

.. Respondents

Ms. Pradnya S. Talekar, Advocate h/f Mr. S. B. Talekar, Advocate
for the Petitioners.

Mr. A. B. Girase, G.P. for Respondent-State.

Mr. Mukul Kulkarni, Advocate for Respondent No. 2.

**CORAM : KISHORE C. SANT AND
SUSHIL M. GHODESWAR, JJ.**

Date on which reserved for order : 06th May, 2026.

Date on which order pronounced : 12th June, 2026.

ORDER (*PER KISHORE C. SANT, J.*) :-

1. Heard the parties.
2. This petition is moved for limited relief of making the recommendations of Shetty Commission applicable from 01.04.2003 to the Stenographers working in the District Courts and subordinate in view of the order passed by the Hon'ble Apex Court in Interim Application Nos. 71-A, 135-136, 137-138 & 142 in W. P. (C) No. 1022/1989. The order is passed on 07.10.2009 specifically directing the States to implement the recommendations of the Shetty Commission with effect from 01.04.2003. It is further directed to give one advance increment on the existing pay-scale instead of initial pay-scale in the States

where such benefit is not given. This petition is filed in the year 2015. It is adjourned on various occasions. This Court expressed its anguish from time to time. On 29.02.2024 this Court specifically recorded that the State is killing time by seeking adjournments time and again and the matter was kept by way of last chance. It is also recorded that on 14.02.2024 the Court was contemplating commencement of dictation of the order, but adjournment was sought on the ground that the learned senior advocate was to be changed and the matter was kept on 21.03.2024. On 21.03.2024 again time was sought making it clear that, under no circumstances petition would be adjourned. It was also made clear that, even no party co-operate, the Court shall proceed to decide the matter on its own. Thereafter again on 27.08.2024 the Chief Justice passed elaborate order by recording the grievances of the petitioners. On that date also the matter was adjourned at the request of learned G.P. to 24.09.2024. It was directed to be placed high on board. On 24.09.2024 it is specifically recorded that, by order dated 27.08.2024 the issue is already dealt with and is actually put to rest. Only by way of formality time was granted at the request of learned G.P. to file an additional affidavit. It was recorded that still the learned G.P.

wanted to address the Court and the matter was adjourned. The matter was still adjourned thereafter on many occasions. On 16.03.2026 and 01.04.2026 this Court again taken note of the conduct of the authorities and expressed displeasure that the matter is only being adjourned for some or the other reason. It is thus after so many adjournments ultimately the petition is argued today.

3. The learned advocate Ms. Talekar for the petitioners, by drawing attention of this Court to the order passed by the Hon'ble Apex Court dated 07.10.2009, submits that, it is incumbent on the part of the Government to implement the recommendations of the Shetty Commission and there is no any other view possible. However, the Government issued Government Resolution dated 20.10.2011 making it clear that the recommendations of the Shetty Commission are accepted from 01.04.2003. It was resolved to make those applicable to the employees who were working on 01.04.2003 and who had retired thereafter would be entitled to the benefits. The services were to be upgraded. The date 01.04.2003 is thus accepted for making the recommendations applicable. Since there were certain

clarifications required, the Government on 15.09.2018 took a decision. In between there is also one Government decision dated 18.01.2017. It was made clear that, since there were to be only three grades of Stenographers made, the lowest grade of the Stenographer is merged into Grade-III. However, in the said Government Resolution no date of implementation is given. She submits that, thus, it was clear that, in view of the Hon'ble Apex Court's judgment, what was necessary to make the recommendations applicable from the date already decided. The Government thereafter again filed an affidavit without referring to the date as 01.04.2003 and now stand is taken that the recommendation would be applicable only from the date of the Government decision i.e. 15.09.2018. She submits that, this is totally against the directions of the Hon'ble Apex Court. It is further submitted that, now the Government has again filed an affidavits on 27.08.2024 and 12.09.2024 which are contrary to the policy and the order passed by the Hon'ble Apex Court.

4. The learned G.P, on the other hand, vehemently argued that the Shetty Commission was constituted as per the directions of the Hon'ble Apex Court dated 17.12.1997 issued in Writ Petition

No. 1022/1989. The said recommendations were received. On 07.10.2009 the writ petition was disposed off by the Hon'ble Apex Court. He invites attention to the terms and conditions of making the recommendations applicable. He submits that, before these directions by the Hon'ble Apex Court recommendations of 5th pay commission were already made applicable to the employees and they were given a choice either to opt for Shetty Commission recommendations or to opt for pay commission and in this view there was no question of making the Shetty Commission recommendations applicable from 01.04.2003. Even a communication was issued by the Secretary, Law and Judiciary, State of Maharashtra to implement the recommendations at the earliest. He tried to show to this Court by way of chart as to how the pay-scale under the 5th pay commission is more beneficial than Shetty Commission. He further shown that the Grade-I is given the pay-scale of Rs. 7500-12000/- as per the Government Resolution dated 20.10.2011 whereas, as per 6th pay commission the scale is Rs. 9300-34800/-, Grade Pay Rs. 4800/- and thus the pay-scale as per the 5th pay commission is higher than the recommendations as per the Government Resolution dated 20.10.2011. He submits that, thus, it is in the interest of the employees themselves to

accept the pay-scale as per pay commission. The petitioners are unnecessarily insisting for the implementation of recommendations of Shetty Commission. He accepts that in the Government Resolutions passed in the year 2017 and 2018 the date of implementation is missing. He could not offer any reason as to why those dates are missing as to how therefore it is to be taken that the recommendations are to be made applicable only from the date of Government Resolution.

5. The learned advocate Mr. Kulkarni for respondent No. 2 prays for passing appropriate order. He submits that the High Court is also supporting the prayers in the petition so far as direction to make Shetty Commission recommendations applicable from 01.04.2003.

6. This Court time and again has heard the parties. Even on 27.08.2024 this Court passed an order and as rightly observed by this Court in order dated 24.09.2024 the issue was rightly dealt with and the issue was actually put to rest. This Court has already considered as to how the attempts were made to adjourn the matter time and again. By way of order dated 27.08.2024 it is observed that the Government Resolution dated 20.10.2011 was

not in clear terms and there were certain discrepancies and it is only to remove such discrepancies the fresh Government Resolution was issued on 15.09.2018. The said Government Resolution was silent about the date of implementation. This Court also, in the said order, dealt with the aspect of upgradation and benefits of said upgradation only from 01.04.2005. This Court specifically recorded that the causes shown in the affidavit in reply dated 10.12.2018 were not appearing to be tenable for the reasons stated therein which are reiterated here :

a) The subsequent Government Resolution dated 15/09/2018 cannot be said to be a decision of the State Government independent of the recommendations made by the Shetty Commission and the judgment rendered by Hon'ble Supreme Court on 07/10/2009.

b) It is to be noted that the Government Resolution dated 15/09/2018 was issued with a view to rectify the defect in the earlier Government Resolution dated 20/10/2011 which was issued for the purposes of giving effect to the recommendations of Shetty Commission in view of judgment dated 07/10/2009 passed by Hon'ble Supreme Court and the direction was to the effect that the Shetty Commission had recommended Three-Grade pay-scales to be made available to the Stenographers, whereas the Government Resolution dated 20/10/2011 permitted the Four-Grade pay-scales to the Stenographers. It is thus clear that the Government Resolution dated 15/09/2018 was issued to rectify the said discrepancy/ mistake/ error which had occurred in the Government Resolution dated 20/10/2011 and

this Government Resolution dated 20/10/2011 was made applicable with effect from 01/04/2003 which is the date with effect from which, in terms of the judgment dated 07/10/2009 the recommendations of the Shetty Commission are to be given effect to. Hence, the submission in the affidavit-in-reply that the provisions of the Government Resolution dated 15/09/2018 will be applicable with effect from the date of issuance of the said Government Resolution is absolutely untenable.

c) In any case, it is not denied by the State that the Shetty Commission's recommendations are to be made effective and implemented with effect from 01/04/2003 as directed by Hon'ble Supreme Court and accordingly, giving effect to the Government Resolution dated 15/09/2018 which has been issued for the purposes of only removing the discrepancy in the Government Resolution dated 20/10/2011, therefore, implementing the Government Resolution dated 15/09/2018 not with effect from 01/04/2003 but with effect from the date of issuance of Government Resolution i.e. 15/09/2018, in our opinion, does not bear any rationale.

7. The submissions of the learned G.P were already considered and were found to be without any force and three weeks time was granted for getting clarification. Even now after lapse of this much period no such clarification is coming from the Government. This Court has recorded the conduct of the Government in making attempts to get the petition adjourned from time to time. Today, though it is recorded by this Court and reflected in the orders from time to time, even thereafter no attempts were made to

argue the petition and time was sought. This Court finds that, it is only when some benefits are to be given to the employees or when salaries are to be paid to the employees, time is taken and adjournments are sought for and the matters are delayed. In the present case also since 2024, if not before that, only adjournments were sought on some of the other ground. It is seen that time was sought on 15.11.2016 itself. This Court had made observations that the affidavit in reply was silent as regards parity in pay-scales of Stenographers working in judiciary with that of the Central Government employees and making professional typist as recommended by Justice Shetty Commission. Time was given to take instructions.

8. Considering all above, this Court finds that, the prayer clause (B) deserves to be allowed. Hence, the following order :

ORDER

- (a) The prayer clause (B) of the petition is allowed.
- (b) The respondent-State is directed to implement the recommendations of Shetty Commission from 01.04.2003 and the difference of salaries be paid within six (06) months from today.

(C) For the conduct recorded above, the arrears be paid along with interest at the rate of 6% per annum from the date of the order passed by the Hon'ble Apex Court dated 07.10.2009.

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)

RS.B.