

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12140 OF 2019

Sunil Sahebrao Kadekar and Ors. .. Petitioners
Vs.

The Principal Judge,
City Civil & Sessions Court, Mumbai and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.3408 OF 2019

Manjusha M. Mate and Ors. .. Petitioners
Vs.

The State of Maharashtra,
Through Secretary, Law & Judiciary Dept. and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.2648 OF 2022

Maharashtra State Family Court Counselors
[Group A] Association,
Through Auth. Rep. – Jagannath B. Kamble .. Petitioners
Vs.

State of Maharashtra and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.9597 OF 2015

Dipak Laxman Shinde and Ors. .. Petitioners
Vs.

The State of Maharashtra and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.12372 OF 2015

Maharashtra Rajya Nyayalayin Karmachari Mahasangh
Through Mr. Wadikar, General Secretary .. Petitioner
Vs.

The State of Maharashtra,
Through the Secretary, Women and Child
Development Dept. and Ors. .. Respondents

Dr. Uday P. Warunjikar for the Petitioners in WP/3408/2019.

Mr. Aumkar Joshi for Respondent Nos.2 and 3 in WP/3408/2019.

Mr. Suresh Pakale, Sr. Advocate, with Mr. Sanjay Kulkarni and Mr. Nilesh Desai, for the Petitioners in WP/12140/2019.

Mr. R.S. Datar for Respondent Nos.1 and 2 in WP/12140/2019.

Mr. Anil Anturkar, Sr. Advocate, with Mr. Vinayak Pandit, i/by Mr. Ajinkya Udane, for the Petitioners in WP/2648/2022.

Mr. Rahul Nerlekar for Respondent No.2 in WP/2648/2022.

Mr. N.C. Walimbe, Addl. G.P., with Mr. S.L. Babar, AGP for the Respondent-State.

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 28TH NOVEMBER, 2023.

P.C. :

WRIT PETITION NO.12140 OF 2019

1. The petitioners are working as “Sheristedar” at the City Civil & Sessions Court, Mumbai. They seek implementation of the report of Justice Shetty Commission insofar as the said post is concerned and pray that the pay scale for the post of Sheristedar be fixed at 8,000 – 35,000. In the affidavit-in-reply filed on behalf of respondent nos.1 and 2, it has been stated that the prayer for grant of higher pay scale than the one granted to other unitary staff, deserves to be accepted. The recommendation, as made in the said report, thus requires acceptance according to respondent nos.1 and 2.

WRIT PETITION NO.3408 OF 2019

2. Petitioners are working as Sheristedar in the Family Court, Mumbai. They seek similar relief in the matter of grant of higher pay scale. In the affidavit-in-

reply filed on behalf of respondent nos.2 and 3, it has been recommended that such higher pay scale be made applicable to them.

3. The learned Senior Advocate for the petitioners in Writ Petition No.12140 of 2019, appearing on behalf of the petitioners in Writ Petition No.3408 of 2019, inter alia, sought to rely upon Article 235 of the Constitution of India to urge that the recommendations made under the report of Justice Shetty Commission be made applicable to them since the High Court Administration has recommended the same. The prayers made in the writ petitions are opposed by the Law and Judiciary Department as well as the Finance Department of the State Government.

4. Before proceeding further, it would be necessary for the Law and Judiciary Department as well as the Finance Department to come up with its specific stand based on the recommendation of Justice Shetty Commission's Report being made applicable to the petitioners especially in the light of the stand taken by the High Court Administration.

5. Accordingly, the Law and Judiciary Department as well as the Finance Department of the State Government shall file affidavit indicating its stand in the light of the stand of the High Court Administration. Such affidavit to be filed within a period of three weeks from today.

6. Put up for further consideration on 20th December 2023.

[FIRDOSH P. POONIWALLA, J.]

[A.S. CHANDURKAR, J.]

3/3