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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12140 OF 2019

Mr.Sunil Sahebrao Kadekar & Ors.] .. Petitioners

vs.

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

Mr.S.C. Pakale i/b Sanjay Kulkarni for Petitioners.

Mr.R.S. Datar for Respondent Nos.1 and 2.

Ms.M.S. Bane, AGP for State.

**CORAM : PRASANNA B. VARALE &
N.R.BORKAR, JJ.**

DATE : 21ST SEPTEMBER, 2021

P.C.

1] Heard learned counsel for the Petitioners.

2] The Petitioners are working in City Civil & Sessions Court, Greater Mumbai as Sheristedars. The Petitioners are seeking implementation of the recommendations of the Hon'ble Justice Shetty Commission and to fix pay scale of the post of Sheristedar in the pay scale of 8000-13500 with effect from 01.04.2003 in Fifth Pay Commission, in the pay scale of 9300-34800 Grade Pay 5400 with effect from 01.01.2006 as per Sixth Pay Commission and in the pay scale of 56100-177500 with effect from 01.01.2016 in Seventh Pay Commission.

3] Learned counsel for the Petitioners submits that the Hon'ble Justice Shetty Commission in its report as regards post of Sheristedar has observed that 'as to the pay scale of the post it needs to be stated that the hold of the post should command respect and obedience from all other staff, since, he is the chief ministerial officer. The post, therefore, must necessarily carry scale higher than that of the other staff. It is submitted that Sheristedar being chief ministerial officer, it must necessarily carry higher pay scale than other staff like lower grade stenographer or higher grade stenographer as per the recommendations of the Hon'ble Justice Shetty Commission, however, it is not so.

4] Learned counsel for the Petitioners invited our attention to the reply filed on behalf of the State dated 30.01.2021 and more particularly para 13 and submitted that according to the State the Petitioners are not covered under sub-clause C of Clause VII of Part II of Chapter XVIII of the Report.

5] Learned counsel for the Petitioners then invited our attention to Para 3 of the reply, filed on behalf of the respondent Nos.1 and 2. The Respondent Nos.1 and 2 in their reply admitted the Stenographers Grade I (earlier Selection and High Grade Stenographers) attached to the courts are carrying greater pay-scale than the pay-scale attached to the post of Sheristedar. They further admitted that in view of the recommendations of the Shetty Commission, such post must necessarily carry a pay-scale higher than that of the other unitary staff and the Commission has, therefore, recommended higher pay-scale to Sheristedar over and above the other unitary staff of the Courts.

6] However, it appears that Petitioners approached this Court directly instead of approaching the State Government for redressal of their grievance. Learned counsel for Petitioners are ready to go before the State Government. It is submitted that Petitioners be permitted to file the copy of the present Petition as their representation. We do not see any impediment in allowing the said request. Hence, following order is passed :

i] Petitioners are permitted to approach the State Government by submitting the copy of the present Petition alongwith reply filed on behalf of respondent Nos.1 and 2, as representation within three weeks from today.

ii] On receipt of such representation, State Government shall endeavour to decide it as expeditiously as possible, and in any case within three months from the date of receipt of representation.

iii] Petitioners are also permitted to forward copy of the representation to the respondent No.2.

7] Post the Petition for further consideration on 18.01.2022.

8] All concerned to act on an authenticated copy of this order.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]