IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6677 OF 2012

1. Sudhir S/o Bapurao Kulkarni,
   Age: 55 yrs, Occ: Service as a Jr. Clerk,
2. Uttam S/o Bhujangrao Kakde,
   Age: 51 yrs, Occu: Service as a Jr. Clerk,
3. Gajanan S/o Girdhari Bedre,
   Age: 51 yrs, Occu: Service as a Jr. Clerk,
4. Nandlal S/o Shantilal Jain,
   Age: 52 yrs, Occu: Service as Jr. Clerk,
5. Vidhyadhar S/o Hariharrao Diwan
   Age 53 yrs, Occ: Service as a Jr. Clerk,
6. Bhimrao S/o Vishwanath Kondke
   Age 50 yrs, Occu: Service as a Jr. Clerk,
7. Sau. Jyoti w/o Sudhir Kulkarni (Ratnaparkhi)
   Age: 54 yrs, Occu: Service as Jr. Clerk,
8. Asaram S/o Tulsiram Mote,
   Age: 53 yrs, Occu: Service as Jr. Clerk,
9. Ramhari S/o Kaduba Falke,
   Age: 55 yrs, Occu: Service as a Jr. Clerk,
10. Chandmiya S/o Bholucha Shaha,
    Age: 55 yrs, Occu; Service as Jr. clerk,
11. Ramakant s/o Gangadharrao Patil,
    Age: 50 yrs, occ: Service as a Jr. clerk,
12. Sudhakar S/o Namdeo Gaikwad,
    Age: 50 yrs, Occu; service as a Jr. clerk,

13. Rajendra S/o Bandu Bhalerao,
Age: 51 yrs, occ: Service as a Jr. clerk.

14. Nana S/o Janardhan Pandare,
Age: 56 years, occu: Service as a Sr. Clerk

15. Ashok s/o Baburao Borade,
Age: 56 yrs, occu: Service as a Sr. Clerk.

16. Shrirang S/o Damodharrao Ralegaonkar,
Age: 50 yrs, Occu: Service as a Field Asstt.

17. Jaiprakash S/o Jayraj Pagare,
Age 50 yrs, occu: service as a Electrician,

18. Sau. Mangala W/o Tulsiram Bhortakke,
Age 51 yrs, occu: Service as a Jr. Clerk.

19. Ajeet S/o Shriram Kulkarni,
Age: 49 yrs, occu: Service as a Jr. Clerk,

20. Prashant S/o Dattatraya Kulkarni,
Age:52 yrs, occu: service as a Jr. Clerk.

21. Sudhir S/o Dattatraya Kulkarni,
Age 51yrs, Occu: Service as a Jr. clerk.

22. Laxman s/o Haribhau Ingle,
Age 55 yrs, occu Service as a Driver,

23. Hamidkhan S/o Sardarkhan
Age :53 yrs, occu: Service as a Driver,

R/o All Employees of Kanchanwadi, WALMI,
Campus, Paithan Road, Aurangabad. **...PETITIONERS**

VERSUS

1. The State of Maharashtra
Through its Secretary and President of Walmi,
Now Secretary, Soil and Water Conservation
Department, Mantralaya, Mumbai.

2. Water and Land Management Institute,
Kanchanwadi, Paithan Road, Aurangabad.
Through its Director General, Walmi,
Aurangabad. ...RESPONDENTS

WITH
WRIT PETITION NO. 6682 OF 2012

1. Shrikant S/o Shriniwas Mudhalwadkar,
Age: 48 yrs, Occu: Service as a Technical Asstt.
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad.

2. Pramod s/o Pandurang Mande,
Age: 54 yrs, Occu: Service as a Sr. Clerk,
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad.

3. Prabhakar S/o Sakharampant Ratnaparkhi,
Age: 54 yrs, Occu; Service as a Technical Asstt.
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad.

4. Ganesh s/o Limbaji Wagh,
Age 53 yrs, Occu: Service as a Senior Clerk,
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad.

5. Ramchandra S/o Shenphad Pise,
Age: 54 yrs, Occu: Service as a Field Asstt.
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad.

6. Subhashs/o Suryabhan Shahane,
Age: 48 yrs, occu: Service as a Field Asstt.
R/o Kanchanwadi, Walmi Campus,Paithan road,
Aurangabad, District: Aurangabad.

7. Gopal S/o Ambadas Murlidhar,
Age: 55 yrs, Occu: Service as Field Asstt.
R/o Kanchanwadi, Walmi Campus, Paithan road,
Aurangabad, District: Aurangabad. ...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary and President of Walmi,
Now Secretary, Soil and Water Conservation
Department, Mantralaya, Mumbai.

2. Water and Land Management Institute,
Kanchanwadi, Paithan Road, Aurangabad.
Through its Director General, Walmi,
Aurangabad. ...RESPONDENTS

WITH
WRIT PETITION NO.7018 OF 2012

1. Santu s/o. Pandurang Gadekar,
Age: 48 yrs, Occu: Service as a Jr. Clerk,

2. Ramesh S/o. Dhanaji Bankar
Age: 51 yrs, Occu: Service as Peon.

R/o. Both Employees of Kanchanwadi,
WALMI campus, Paithan Road, Aurangabad. ...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary and President of Walmi,
Now Secretary, Soil and Water Conservation
Department, Mantralaya, Mumbai.

2. Water and Land Management Institute,
Kanchanwadi, Paithan Road, Aurangabad.
Through its Director General, Walmi,
Aurangabad. ...RESPONDENTS

WITH
WRIT PETITION NO.7224 OF 2012

1. Bhagwan S/o. Dhondiba Gaikwad,
Age: 51 yrs, Occu; Service as a Jr. Clerk,

2. Smt. Sharda W/o. Subhash Devkar
Age: 56 yrs, Occu: Service as Tel. Operator,

3. Sudam S/o. Nandeo Peharkar,
Age: 54 yrs, Occu: Service as a Tel. Operator.

4. Subhash s/o. Bhalchandra Dashrath,
Age: 54 yrs, Occu; Service as a Tel. Operator,

R/o. All Employees of Kanchanwadi,
WALMI Campus, Paithan Road,
Aurangabad. ...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary and President of Walmi,
Now Secretary, Soil and Water Conservation
Department, Mantralaya, Mumbai.

2. Water and Land Management Institute,
Kanchanwadi, Paithan Road, Aurangabad.
Through its Director General, Walmi,
Aurangabad. ...RESPONDENTS

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Mr. B. R. Surwase and Mr. R. B. Surwase, Advocate for the Petitioners.
Mr. A. R. Kale, Addl. GP for Respondent No.1-State.
Mr. Vijay R. Autade, Advocate for the Respondent No.2.

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CORAM : KISHORE C. SANT &
AJIT B. KADETHANKAR, JJ.

RESERVED ON : 9th JUNE 2026.
PRONOUNCED ON : 18th JUNE 2026.

JUDGMENT :- [PER- KISHORE C. SANT, J.]

1. Heard Mr. Surwase, the learned Advocate for the petitioners, Mr. Kale, the learned Additional Government Pleader for Respondent No.1-State and Mr. Autade, the learned Advocate for Respondent No.2-WALMI.

2. The petitions are admitted by common order dated 24.01.2014. The question involved in all these writ petitions and the Respondents are same, the petitions are therefore taken up together for final disposal.

3. The short point involved in the present writ petitions is as to (i) whether the petitioners, who are employees of Water and Land

Management Institute (hereinafter referred to as ***"WALMI"***), an Autonomous Body, are entitled to get the benefit of promotional post under Assured Career Progress Scheme (hereinafter referred to as ***"ACPS"***) as per Government Resolution dated 01.04.2010 issued by Finance Department, Mantralaya, Mumbai (M.S.) and (ii) whether the Government is right in not granting WALMI a sanction to grant promotional post to the petitioners. Initially, the WALMI had granted the benefit of promotional post to the petitioners on completion of 24 years of service and had also started paying the salary on the promotional post. However, by way of impugned communication dated 13.07.2012, the Government directed WALMI not to give the benefit of the ACPS and further directed to recover the difference of amount in the salary paid to the petitioners after giving benefits of promotional post and their earlier salary.

4. The facts, in short, giving rise to the present petitions are as under:-

The petitioners were appointed in WALMI to the posts as stated in the respective writ petitions. In 1995, the State Government introduced the ACPS Scheme by way of Government Resolution dated 08.06.1995. It was decided to give benefits of promotional post to the persons who have completed 12 years of service and where no actual promotional posts are available. These benefits were to be given to the persons who are eligible to be promoted to the next posts, but could not be promoted for want of actual functional promotional posts. The said policy is applicable to the employees under the State Government and the employees of the Zilla Parishads. However, the benefits were made applicable even to the petitioners by WALMI. By order dated 14.06.1996, the petitioners were given the benefits of the scheme and were given the salary of the next promotional posts. However, this was subject to approval of the Government. The Government by order dated 18.12.2009, had made the provisions of resolution dated 08.06.1995 applicable. The petitioners, therefore, came to be benefited of scheme in the year 2010. The Respondent-State granted post facto sanction.

5. The petitioner thereafter became entitled to get the next benefit after 12 years i.e. after completion of 24 years of service and were promoted. Thus, the petitioners became entitled to get benefit of promotional post in the year 2012 after completion of 12 years of service. Vide Government Resolution dated 01.04.2010, the State Government took a decision to grant the benefit of ACPS even after completion of 24 years of service. The petitioners, therefore, became entitled to get second time benefit of the same. The WALMI, in fact, passed an order granting the benefit of promotional post. The Government, however, by order dated 13.07.2012, refused to sanction the second time benefit of promotional post and directed to recover the amount of difference in the salary of promotional post and regular salary. The petitioners have, therefore, approached this Court.

6. Mr. Survase, the learned Counsel for the Petitioners, vehemently argued the petitions. He submits that once the benefits of ACPS were made applicable to the petitioners, they could not have been

refused the benefits after completion of 24 years of service. He further submits that non-extending the benefit of G.R. dated 01.04.2010 is against the policy and norms of the Government. No hearing was given to the petitioners before taking the action of recovery of difference. This action certainly could not have been taken without following principles of natural justice. He thus submits that communication dated 09.08.2012 issued by State Government deserves to be quashed and set aside. Further it is required to direct the Government to grant sanction to the benefits already granted to the petitioners by WALMI.

7. Mr. Kale, the learned Additional Government Pleader, vehemently argued that the Government Resolutions dated 08.06.1995 and 01.04.2010 are applicable only to the employees of the State Government and the employees of Zilla Parishads. There is nothing to indicate that the said benefits are to be extended even to the employees of other autonomous bodies or the Government undertakings. When the first time, approval was given it was given as a special case. For the subsequent benefits, no prior sanction is obtained from the Government.

Only when the scheme is made specifically applicable to the employees of WALMI, can any benefit be given. No benefit could have been given by WALMI on its own. Since the benefits were not made applicable specifically to the employees of WALMI, the Government has rightly passed an order. He thus prays for rejection of writ petitions.

8. Mr. Autade, the learned Advocate for the Respondent No.2, supports the cause of the petitioners. He submits that WALMI has taken a decision to extend the benefits of promotional post from its own funds. There is already a provision made for the same. There would be no burden on the state exchequer.

9. This Court heard the arguments and has gone through the petition papers. It is admitted position that the benefit of 1995 scheme is extended to the employees of WALMI. There is also post facto sanction given by the State Government. In the policy under 1995 decision, only one time promotional post was to be given after completion of 12 years of service. In 2010, the State Government again took a decision to avoid stagnation and to give the benefit of promotional post on completion of

24 years of service. The said benefits are to be given only to the persons who are otherwise eligible to get the promotion, but who could not be promoted only because of non-availability of actual and functional promotional post. There is no case made out that the present petitioners were not eligible to be promoted to the next promotional post. That is also not the case of the Government.

10. The case of the Respondent-State is only that the scheme of ACPS is applicable only to the Government employees and to the employees of the Zilla Parishads. The earlier benefit was sanctioned only by way of exception. Once, in principle, the Government has accepted that the benefits are required to be given to the employees of WALMI, there is no reason to retract from the same while giving second time promotion. It is also not a case of the Government that it is the Government who has to pay the salary of the employees of WALMI. It is also seen that WALMI has made a provision to pay the salary. The burden, as such, is not on the Government.

11. In the decision of Full Bench of this Court in the case of

Sunanda Ashok sonawane Vs. District Judge, District Court, Dhule and Ors.[1], this Court has elaborately considered the aims and object of the ACPS scheme. The main object of the scheme is to remove stagnation. Considering the aim and object of the scheme, this Court finds that depriving the employees of such benefits certainly creates feeling of disappointment in the employees. It is natural for the employees to work with zeal when there are promotional opportunities. In absence of any progression in their careers, the employees may not feel encouraged. Keeping in view this aspect only, the Government has introduced the scheme. We see no reason not to apply the said scheme to the autonomous bodies. More so, when such autonomous bodies have made financial provision to pay salaries, it is also clearly seen in the present case that there is no burden on the State Exchequer. Merely because sanction is required, it appears that, without proper application of mind, the Government has passed impugned orders.

12. During the course of argument, the communication by the Director General, WALMI dated 21.11.2025, addressed to the Secretary,

1 2024(3)Mh.L.J.(F.B.) 327

Maharashtra Soil Conservation Department, Mantralaya Mumbai, has been placed on record. It is clearly communicated that the expenses of the salary can be borne by the WALMI. The WALMI has already made a provision for the amount. When this is a case, we hardly find any reason for the Government not to sanction the proposal.

13. Considering all above, this Court finds that the impugned communication dated 09.08.2012 issued by State Government deserves to be quashed and set aside as being arbitrary. Hence, the following order:

ORDER

(i) Writ Petition No.6677/2012 stands allowed in terms of prayer clause [B], [B-1], [B-2], [C] and [D].

(ii) Writ Petition No.6682/2012 stands allowed in terms of prayer clause[B], [B-1], [B-2], [C] and [D].

(iii) Writ Petition No.7018/2012 stands allowed in terms of prayer clause [B] and [B-1].

(iv) Writ Petition No.7224/2012 stands allowed in terms of prayer clause [B], [B-1], [C] and [D].

(v) The benefits be released within a period of six (6) months from today. If the benefits are not released within a said period, there shall be interest charged thereafter at the rate of 6% per annum.

(vi) Rule made absolute in above terms.

[AJIT B. KADETHANKAR, J.] [KISHORE C. SANT, J.]

D.A.ETHAPE