

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO. 1172 OF 2015

WITH

WRIT PETITION NO.1874/2014

RAMDAS CHANDAR KAMBALE

AND OTHERS.

...PETITIONERS.

VERSUS

THE STATE OF MAHARASHTRA

AND OTHERS.

...RESPONDETNs.

...

**Advocate for Petitioners : Mr.Bayas Anandsing
AGP for Respondents/State: Mrs.S.G. Chincholkar.**

Advocate for Respondent 5 : Mr.S.S. Manale.

...

with

WRIT PETITION NO.1874/2014

DATTA TATYARAO BHOSALE

AND OTHERS.

...PETITIONERS.

VERSUS

THE STATE OF MAHARASHTRA

AND OTHERS.

...RESPONDETNs.

...

**Advocate for Petitioners : Mr. Kadam Nitin S.
AGP for Respondents/State: Mrs.S.G. Chincholkar.**

Respondent 4 served.

...

CORAM : S.S. SHINDE & M.T. JOSHI, JJ.

Dated: 11th SEPTEMBER, 2015.

PER COURT :-

1. Rule, returnable forthwith. By consent of the parties, taken up for final hearing.

2. Writ Petition No.1874/2014 takes exception to the letter dated 5th July, 2014 issued by the respondent No.3 directing the college authorities to revise pay scale of the petitioners holding that grade pay of Rs.4200/- awarded the petitioners is erroneous.

Writ Petition No.1172 of 2015 takes exception to the impugned communication dated 5th July, 2013 issued by respondent No.4 directing all college authorities to revise pay scale of the petitioners by holding that the grade pay of Rs.4200/- in pay band of Rs.9300-34800 suggested by the principal is correct.

3. The learned Counsel for the petitioners submitted that, before issuing the impugned communication, the Joint Director of Higher Education, Nanded did not issue any

notice to the petitioners and without hearing the petitioners, decision has been taken, reducing the pay scale. The learned Counsel for the petitioners placed reliance on the reported judgment of the Apex Court in case of ***Bhagwan Shukla s/o Sarabjit Shukla Vs. Union of India and others***¹ and submitted that in case of decision of reduction in pay, the authority is bound to follow the principles of natural justice by issuing notice and hearing the affected parties. Therefore, on the ground of breach of principles of natural justice, the learned Counsel for the petitioners submits that the decision taken by the Joint Director, Higher Education, Nanded deserves to be quashed and set aside.

4. The learned AGP appearing for the respondents / State invited our attention to the affidavit-in-reply filed on behalf of respondents No.1 to 3 and submits that, keeping in view the relevant Government Policy, the Joint Director, Higher Education, Nanded has rightly reduced the pay scale of the petitioners. Therefore, this Court may not interfere in the matter.

¹ (1994) 6 SCC 154;

5. Upon hearing the learned Counsel for the petitioners, perusal of the documents placed on record and the affidavit-in-reply filed on behalf of the respondents 1 to 3, it appears that before taking decision reducing the pay scale of the petitioners, neither notice was issued to the petitioners nor petitioners were heard and by way of the impugned communications, the decision of reduction in their pay was communicated to them.

6. Therefore, on this ground alone, we are inclined to set aside the impugned communications and accordingly, the same are quashed and set aside.

The respondent - the Joint Director, Higher Education, Nanded is directed to take a decision afresh, after hearing the petitioners and also the Government officials, who are concerned with the subject matter involved in the petitions, as expeditiously as possible and preferably, within three months from today.

The learned Counsel for the petitioners, on instructions, make a statement that the petitioners will appear before the Joint Director, Higher Education, Nanded

on 23rd September, 2015. On that date, the concerned authority may proceed to hear the parties or may fix further date for hearing the petitioners. Needless to observe that the petitioners will be entitled to produce on record the relevant Government Policy. Writ petitions are allowed accordingly. Rule made absolute in the above terms.

(M.T. JOSHI, J.)

(S.S. SHINDE, J.)