

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1653 OF 2015

Namdeo Sahadu Dhadge .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anant R. Devkate, Advocate for the Petitioner.

Shri S. Y. Mahajan, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 21ST OCTOBER, 2016.

PER COURT :

. The original application filed by the petitioner is dismissed.
Aggrieved thereby present petition.

2. In the original application, the petitioner had made
following prayers.

- A) To admit and allow this Original
Application.
- B) To quash and set aside the order dated
27.04.2012 passed by the respondent
No. 2.
- D) Any other relief to which the

Applicant is entitled may kindly be granted.

3. The Tribunal held the recovery to be justified.

4. The petitioner had not made any prayer with regard to the pay scale. During the pendency of present writ petition the petitioner sought leave to amend the original application. The same was allowed and following prayers have been added in the original application.

C) The respondents may kindly be directed to grant and pay the retirement benefits as per order of respondent No. 3 vide outward No. RDDO/Nashik/A-8/1505/2010, dated 15.04.2010 as per pay scale of Rs. 5500-9000.

5. The other writ petitions filed by the similarly situated petitioners were disposed of by us vide order dated 19.08.2016, wherein we had remitted back the said matters as the Tribunal had not considered the contentions of the petitioner, the benefit of the order by virtue of which pay scale was accorded to them.

6. Considering the fact that, original application has been amended, it would be appropriate for the Tribunal to consider

the same.

7. In the light of the above, we pass following order.

8. The impugned order is quashed and set aside. The parties are relegated before the Tribunal for considering case of the petitioner afresh. The parties shall appear before the Tribunal on 18.11.2016. The Tribunal shall decide original application filed by the petitioner afresh with regard to the prayers made in the original application. The writ petition accordingly is disposed of. No costs.

9. The petitioner shall place amended copy of the original application on record before the Tribunal.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]