

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 8983 OF 2015**

SURYAKANT SHRIRAM NALWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Thombre S.S.

AGP for Respondent/State : Mr. V.S. Badakh

Advocate for Respondent no.3 : Mr. Natu

Sharad V.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.**Dated: April 16, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the Respondent/State. The learned counsel appearing for the petitioner invited our attention to Exhibit-H/Page 29 of the compilation of Writ Petition, and submits that, there was revised pay fixation and even the Joint Director of Higher Education, Nanded Region, Nanded has approved the said revised pay fixation. It is submitted that the Respondent - College forwarded the proposal for pension of the petitioner to the

Accountant General, Nagpur. Learned counsel appearing for the petitioner on oral instructions submits that, the petitioner has already started receiving pension. It is submitted that the impugned communication/order suffers from non-assigning any reasons. Once the revised pay fixation has been done and even Respondent No.2 has approved the said pay fixation, it was impermissible for Respondent No.2 to pass such order, without assigning any reasons whatsoever.

2. The learned A.G.P. tried to justify the order passed by Respondent No.2, relying upon the affidavit in reply, filed by Respondent Nos. 1 and 2.

3. After hearing the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the Respondent/State and upon perusal of the impugned communication between Respondent Nos. 2 and Respondent No.3 dated 22nd July, 2015, it is abundantly clear that not a single reason is assigned by Respondent No.2, why he is of the opinion that the revised pay fixation is not correct. In the impugned communication, only Government Resolutions are mentioned.

However, how the said Government Resolutions are relevant and how revised pay fixation was not done in accordance with the Government policies has not been stated. In that view of the matter, the impugned communication/order dated 22nd July, 2015 passed by Respondent No. 2 stands quashed and set aside. We direct Respondent No.2 to hear the petitioner and Respondent No.3 and to take appropriate decision, as expeditiously as possible, and preferably within eight weeks from today.

4. The petitioner and Respondent No.3 to appear before Respondent No.2 on 25th April, 2016. In case, it is possible for Respondent No.2 to hear the parties on the said date and verify the record, he can do so or he can fix further future date. However, the entire exercised to be done as expeditiously as possible, and preferably within 8 weeks from today. In case petitioner is already receiving pension, same shall be subject to a fresh decision to be taken by the Respondent No.2.

5. The Petition is partly allowed and same stands disposed of.

6. The parties to act upon an authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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