

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

WRIT PETITION NO. 5648 OF 2017

Sandip S/o Naval Ishi and others. ... Petitioners

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr Milind K. Deshpande, Advocate for the petitioners
Mr A. S. Shinde, AGP for respondent/State
.....

WITH
WRIT PETITION NO. 1430 OF 2017

Machindra S/o Karbhari Badoge & Ors. ... Petitioners

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr S. A. Sable Patil, Advocate for the petitioners
Mr A. S. Shinde, AGP for respondent/State
Mr S. B. Ghate, Advocate for respondent No. 5
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.
DATE : 20TH FEBRUARY, 2018.**

ORDER:

1. The petitioners assail the order claiming recovery on account of excess payment of salary and also re-fixation of pay-scale.

2. According to the petitioners, the order of re-fixation of salary and claiming recovery is passed without notice to the petitioners.

3. Mr. Ghate, learned counsel for respondents No. 5 and 6 submits that, the pay fixation was done on wrong premise and the same was rightly corrected and the recovery is claimed.

4. The cardinal and fundamental principles of natural justice mandate that, if any order adverse to the interest of the party is being passed, the party is required to be heard.

5. In the present case, admittedly the impugned order is passed without notice to the petitioners and without hearing to the petitioners.

6. Considering the above, the impugned communication is quashed and set aside. The respondents may after hearing the petitioner decide the aspect of the pay scale afresh.

7. Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE