

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

1022 WRIT PETITION NO. 3449 OF 2018

VIMAL DEVRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. S.D. Dhongade h/f Mrs.
Upadhyay Suchita S
AGP for Respondent No. 1: Mr. N.T. Bhagat
Advocate for Respondent Nos 2, 3 and 4 : Mrs. Hoge
Patil Ashwini S.

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JULY 27, 2018

O R D E R :

The dispute is about the grade pay. According to the petitioner, petitioner is in pay band of Rs. 5000-8000 and he was being paid grade pay Rs. 4200/-. The same was given pursuant to the order passed on 19.8.2006. The learned counsel submits that the same is reduced in 6.7.2017 to grade pay of Rs. 2800/-. The said reduction is without notice to the petitioner nor petitioner was heard.

2. Learned counsel for the respondent submits that grade pay was wrongly fixed in the case of petitioner. Corrective decision has been taken as per the communication made by the District Health Officer, Zilla Parishad and letter dated 10.9.2001 issued by the Secretary of the State of Maharashtra, Rural Development and Irrigation Department.

3. It is not disputed that petitioner was initially given grade pay of Rs. 4200/- and subsequently in the year 2017 same has been reduced to Rs. 2800/-. Petitioner relied on the Government Resolution dated 27.2.2009 to contend that the grade pay of Rs. 4200/- is correctly granted, whereas respondents rely on the communication by the District Health Officer and the Secretary of the State of Maharashtra.

4. It is not disputed that before reducing the grade pay the petitioner was never issued any notice nor any explanation was called from petitioner. Reduction in grade pay is prejudicial to the interest of the petitioner. In such a case, minimum requirement of

principle of natural justice by calling explanation of the petitioner is required to be complied.

5. Considering that the reduction in grade pay is without notice to the petitioner, we quash the impugned order of reduction of grade pay of the petitioner to Rs. 2800/- to the extent of petitioner. The respondents, if are of the opinion that the grade pay of Rs. 4200/- is wrongly given, shall issue notice to the petitioner and after calling explanation of the petitioner, shall take decision with regard to the applicability of grade pay to the petitioner.

6. With these observations, writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

mahajansb/