

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3679 OF 2018

Naval Pitambar Patil and others

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sandeep B. Sontakke, Advocate for the Petitioners.

Shri A. P. Basarkar, A.G.P. for Respondent No. 1.

Shri M. S. Sonawane, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATE : 4th June, 2018

PER COURT :

1. Mr. Sontakke, learned advocate for the petitioners submits that recovery is claimed by the respondent on the ground that petitioners have not passed MS-CIT within the stipulated period. All these petitioners have subsequently passed MS-CIT. According to the learned counsel, no notices were issued to the petitioners before the recovery was claimed.

2. Mr. Sonawane, learned counsel for the respondents

submits that specific time schedule was given for the petitioners to clear MS-CIT. As the petitioners did not clear the MS-CIT within the stipulated period, the recovery is rightly claimed. The petitioners are not entitled for the increment that was given to the petitioners.

3. We have also heard the learned Assistant Government Pleader.

4. It is not disputed by the respondent that prior to the order claiming recovery was passed, notices were not issued to the petitioners.

5. The order is detrimental to the interest of the petitioner. When an order detrimental to the interest of the party is passed the principles of natural justice are required to adhered to. In the present case, the principles of natural justice have been transgressed.

6. In the light of above, the impugned letters claiming recovery are quashed and set aside. The respondents, may issue

notices to the petitioners soliciting replies from the petitioners and after considering the replies shall take decision with regard to the recovery.

7. Writ Petition accordingly stands disposed of. No costs.

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

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