

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13167 OF 2017

Sanjay Balu Jadhav
and others. ... Petitioners.

Versus

The State of Maharashtra,
and others. ... Respondents.

...

Mr.R.C.Misal, advocate holding for
Mr.G.K.Kshirsagar, advocate for the petitioners.
Mrs.Vaishali Patil Jadhav, A.G.P.for the State.
Mr.A.D.Aghav, advocate for Respondent Nos.3 to
5.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.03.2018.

PER COURT :

1. The petitioners challenge the
refixation of salary and recovery claimed.

2. Mr.Aghav, learned counsel for the

Respondents submits that the petitioners were required to pass MSCIT within the stipulated period. As they did not pass within the stipulated period, the increment given to them was rightly recalled.

3. It is trite that whenever an order adverse to the interest of any party is passed, principles of natural justice have to be adhered to. The order directing refixation of salary and recovery has been passed without notice and without hearing the petitioners.

4. In light of the above, the impugned order is quashed and set aside.

5. The Respondents if they choose to refix the salary and claim recovery from petitioners then the Respondents shall issue notice to the petitioners and after obtaining say from the petitioners pass such orders as may be permissible in law .

6. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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