

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13792 OF 2017

Prabhakar S/o Lingayat Boga
and others. ... Petitioners.

Versus

The State of Maharashtra
and others ... Respondents.

...

Mr.R.R.Karpe, advocate for the petitioners.
A.B.Kale, advocate for the petitioner.
Mrs.Vaishali Patil Jadhav, A.G.P. for the State.
Ms.Suvarna Zaware, advocate for Respondent No.3.

...

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

Date : 12.03.2018.

PER COURT :

1. The petitioners assail the order directing re-fixation of the salary and recovery on account of not clearing MSCIT within the stipulated period.

2. We have heard learned counsel for the petitioners, learned A.G.P. and learned counsel for Respondent.

3. It is not disputed that before passing the impugned order refixing the salary/grade pay and claiming recovery, the petitioners were not issued any notice nor the petitioners were heard.

4. As the principles of natural justice were not adhered to, the impugned order is quashed and set aside. The Respondents if they so choose to refix the salary/grade pay and claim recovery then Respondents shall first issue notice to the petitioners and after getting say from the petitioners shall pass orders afresh. If the petitioners are aggrieved thereupon, the petitioners may agitate the same as is permissible in law.

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

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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