

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 3269 OF 2018

Dr. Manoj Mohana Deshmukh and Ors. ... Petitioners

Versus

The Commissioner, Pimpri Chinchwad
Municipal Corporation and Ors. ... Respondents

Dr. Sarang Satish Aradhye for the petitioners.

Mr. R.P. Sakhadeo for respondent no. 1.

Mr. M.M. Pabale, AGP for respondent no. 3.

**CORAM : SHANTANU KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE : JULY 16, 2018

P.C.:

Challenging the order dated 27/10/2017 Exh "A" passed by the Commissioner, Pimpri Chinchwad Municipal Corporation, Pune, the petitioner has filed this petition.

2. According to the petitioner, the modified pay scale was extended in their favour with effect from 22/8/2008 Exh. "E". However, after about 9 years, the said order has been recalled and the impugned recovery has been ordered.

3. We find that the impugned order has been passed behind the

back of the petitioner. There appears to be clear violation of principles of natural justice. Petitioners were availing the benefit for about 9 years and all of a sudden the order has been set aside and recovery has been ordered. In the circumstances, the impugned order dated 27/10/2017 Exh. "A" cannot be sustained. We accordingly set aside the impugned order and grant liberty to the respondent no.1 Corporation to take appropriate steps if so advised in accordance with law after issuing show cause notice and giving due opportunity of hearing to the petitioner.

4. With the aforesaid observations, petition is allowed. All contentions of the parties are kept open. Needless to say that we have not examined the merits of the matter.

(NITIN W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)