

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

WRIT PETITION NO. 7552 OF 2018

Balaji Raghunath Satpute Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
Shri. D. R. Irale Patil, Advocate for the petitioner
Shri. P. S. Patil, Addl. GP for respondent/State
Shri. Sachin S. Deshmukh, Advocate for respondent No. 4
.....

WITH
CIVIL APPLICATION NO. 10763 OF 2018
IN
WRIT PETITION NO. 7552 OF 2018

AND
WRIT PETITION NO. 9904 OF 2018

Udhav Shamrao Biradar Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
Shri. D. R. Irale Patil, Advocate for the petitioner
Shri. P. S. Patil, Addl. GP for respondent/State
Shri. Sachin S. Deshmukh, Advocate for respondent No. 3 & 4
.....

AND
WRIT PETITION NO. 9905 OF 2018

Vasant S/o. Bhimrao Kendre Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
 Shri. D. R. Irale Patil, Advocate for the petitioner
 Shri. P. S. Patil, Addl. GP for respondent/State
 Shri. Sachin S. Deshmukh, Advocate for respondent No. 4

WRIT PETITION NO. 9910 OF 2018

Madhavrao Kashinath Nagalgave Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
 Shri. D. R. Irale Patil, Advocate for the petitioner
 Shri. P. S. Patil, Addl. GP for respondent/State
 Shri. Sachin S. Deshmukh, Advocate for respondent No. 3 & 4

WRIT PETITION NO. 9913 OF 2018

Milind Sangram Kambale Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
 Shri. D. R. Irale Patil, Advocate for the petitioner
 Shri. P. S. Patil, Addl. GP for respondent/State
 Shri. Sachin S. Deshmukh, Advocate for respondent No. 3 & 4

WRIT PETITION NO. 8963 OF 2018

Vishnu S/o. Namdeo Surekar Petitioner

Versus

The State of Maharashtra & Anr. Respondents

.....
 Shri. D. R. Irale Patil, Advocate for the petitioner
 Shri. P. S. Patil, Addl. GP for respondent/State
 Shri. Sachin S. Deshmukh, Advocate for respondent No. 3 & 4

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALÉ, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

. The petitioner challenges the impugned order whereby the re-fixation of pay has been done and recovery is also claimed against the petitioner.

2. The learned counsel for the petitioner submits that the impugned orders are passed without notice to the petitioners and without hearing the petitioners.

3. Shri Sachin S. Deshmukh, learned counsel for respondent No. 4 does not dispute that the notices to the petitioners were not issued prior to passing order of re-fixation of pay. He further submits that, said orders are rightly passed in tune with the Government Resolutions and the circulars.

4. It is trite that when orders prejudicial to the interest of any party is passed, the affected party is required to be given notice. In the present case, the impugned orders are passed without notice to the petitioners.

5. In light of the above, the impugned order cannot be sustained. The impugned order is quashed and set aside. The respondents if they want to effect re-fixation of pay, they shall issue notice to the petitioners, call for their say and then only take a decision.

6. With these observations, the writ petition stands disposed of.

7. In view of disposal of petitions, nothing survives in the connected civil application and same stands disposed of.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde