

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION (WP) NO. 4080/2019**

1. Pradip s/o Shankarrao Kamanwar,  
Aged about: 60 years,  
Occ. Retired, R/o Quarter No. LIG 166,  
Vinkar Colony, Manewada,  
Ring Road, Nagpur.

..... PETITIONER

**// VERSUS //**

1. Maharashtra Jivan Pradhikaran,  
Express Tower, 4<sup>th</sup> Floor,  
Nariman Point, Mumbai 400021.
2. The Superintending Engineer,  
Maharashtra Jivan Pradhikaran,  
Temple Road, Civil Lines, Nagpur.
3. The Senior Accounts Officer,  
Maharashtra Jivan Pradhikaran,  
CIDCO Bhavan, (South Wing),  
Belapur, Navi Mumbai 400614.
4. The State of Maharashtra,  
through Secretary, Water Supply  
and Sanitation Department,  
Gokuldas Tejpal Hospital  
Building, Tilak Marg, Mumbai.

.... RESPONDENT(S)

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Shri P.D. Meghe, Advocate for the petitioner  
Shri D.M. Kakani, Advocate for respondent nos. 1 to 3  
Shri D.P. Thakare, AGP for respondent no. 4/State

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**CORAM : SUNIL B. SHUKRE AND  
AVINASH G. GHAROTE, JJ.**

**DATED : 21/12/2020**

**ORAL JUDGMENT** : (PER:- SUNIL B. SHUKRE, J.)

- 1] Heard. **Rule.** Rule made returnable forthwith.
- 2] Heard finally by consent.
- 3] So far as payment of gratuity is concerned, the learned Counsel for the competent authority i.e. respondent no. 1 submits on instructions that respondent no. 1 would be paying gratuity to the petitioner in accordance with rules. As regards the impugned communication dated 05.03.2018 whereby the salary of the petitioner has been reduced, we find that this communication cannot stand on the scrutiny of law, there being no adequate opportunity of hearing having been granted to the petitioner before the salary of the petitioner was reduced. Therefore, communication dated 05.03.2018 is hereby quashed and set aside. Matter is remanded back to respondent no. 1 for deciding the question relating to reduction of salary of the petitioner in accordance with law after giving opportunity of hearing to the petitioner. The petitioner shall appear before respondent no. 1 on **18.01.2021**. The petitioner shall also be granted an opportunity to place any documents, if required. Matter be decided in accordance with law within ten weeks from the date of appearance of the petitioner before respondent no. 1. Respondent nos. 1 and 2 are directed to pay gratuity to the petitioner

within a period of two weeks from the date of the order.

4]           The Petition is **allowed** in the above terms. Rule is made absolute accordingly. No costs.

**JUDGE**

**JUDGE**

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