

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

WRIT PETITION NO. 6846 OF 2016

Shri. R. R.Bhambore and others

vs.

The Additional Commissioner, Nagpur and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. Anand Parchure, counsel for petitioner.
Shri. H. N. Verma, counsel for respondents No.2 & 3.
Shri. Nikhil Joshi, counsel for respondent No.1.

CORAM : MANISH PITALE J.

DATED : 12/02/2020

By this writ petition, the petitioners have challenged order passed by the Additional Commissioner on 18/11/2016, whereby appeal filed by the petitioners were partly allowed and the matters were remanded to the Chief Executive Officer, Zilla Parishad, Bhandara for being considered afresh.

2. The respondents No.4 to 14 in the present writ petition had submitted a complaint before the Chief Executive Officer, raising a grievance in respect of appointment of the petitioners as 'Extension Officers'. It is the contention of the petitioners that the Chief Executive Officer passed an adverse order against them on such complaint without granting proper opportunity of hearing. Therefore, they preferred appeal before the Additional Commissioner who passed the impugned

order remanding the matter back to the Chief Executive Officer. It is further the contention of the petitioners that even before the Additional Commissioner, proper opportunity of hearing was not given as only written submissions had been filed and proper hearing was not conducted.

3. In this writ petition, while issuing notice for final disposal on 09/12/2016, this Court passed an order of status-quo. As there was dispute about the fact as to whether the petitioners were being given the work of Extension Officer and whether they were being paid salary for the said post, this petition was adjourned dated 05/02/2020, for the learned counsel appearing for respondent Nos.2 and 3 to take appropriate instructions in this regard. The learned counsel appearing for respondent Nos.2 and 3 on instructions states that the petitioners are being paid salary of the post of Extension Officer as applicable to them.

4. Considering the fact that the dispute was remanded to the Chief Executive Officer for fresh hearing and the petitioners are working in the post of Extension Officer and according to respondent Nos.2 & 3 they are being paid salary as is applicable to the said post, it would be in the fitness of things that this writ petition is disposed of by directing the Chief Executive Officer to immediately taken up the matter and to pass appropriate orders after giving opportunity of hearing to the rival parties.

5. In view of the above, the writ petition is disposed of with a direction to the Chief Executive Officer, Zilla Parishad, Bhandara to hear the petitioners afresh on the grievance concerning them. The said authority shall give proper opportunity of hearing to the petitioners and the rival parties including an opportunity to place on record oral and documentary material as may be relevant. The Chief Executive Officer, Zilla Parishad, Bhandara shall complete the process of hearing and disposing of the matter expeditiously and in any case within a period of 08 weeks from today.

6. Needless to say, respondents No.2 and 3 shall continue to pay salary to the petitioners, as is being paid according to them in terms of the salary applicable to the post of Extension Officer till the matter is disposed of by the Chief Executive Officer, Zilla Parishad, Bhandara. The parties to appear before the Chief Executive Officer, Zilla Parishad, Bhandara on **20th February 2020**.

7. Writ petition is disposed of in above terms.

JUDGE