

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

1030 Writ Petition No.10072 Of 2021

Vinayak Keshav Kalambkar

.. Petitioner

Versus

The State of Maharashtra
Through Secretary and Others

..Respondents

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Mr P.S. Dighe h/f. Mr Vikram S. Kadam, Advocate for the Petitioner
Mr A.R. Kale, AGP for the Respondent – State

...

**CORAM : S. V. GANGAPURWALA
AND
R.N. LADDHA, JJ.**

DATE : 09-09-2021

PER COURT : -

1. The Original Application is filed by the petitioner challenging the recovery and also the pay fixation. Interim application was filed by the petitioner for restraining the respondents from making recovery. The said request for interim prayer is rejected.

2. We have heard Mr Dighe, learned Counsel for the petitioner and Mr Karlekar, learned Additional Government Pleader.

3. According to the learned AGP, the Tribunal has considered all the relevant aspects of the matter. The undertaking is given by the

present petitioner with the employer that if it is found that the pay fixation is wrongly made, then he has no objection for recovery of the amount. Now the petitioner cannot turn around.

4. The question of pay fixation is an issue. The Tribunal will have to decide the issue of pay fixation on merits. Till the issue of pay fixation is decided, it would be inappropriate to allow the recovery to be made. The matter is to be decided finally by the Tribunal. The Tribunal can pass further orders depending upon the Judgment it would deliver.

5. In light of that, till the hearing and final disposal of the Original Application filed by the petitioner before the Tribunal, the recovery pursuant to the impugned pay fixation shall not be made.

6. Mr Kale, learned AGP submits that the Tribunal be directed to decide the Original Application expeditiously. The State may make a request to the Tribunal, which request the Tribunal would consider.

7. Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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