

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7910 OF 2021

Madhukar Parashram Chaudhari and Ors. ... Petitioners
Versus
The State of Maharashtra Through
The Secretary, Tribal Development
Dept. and Ors. ... Respondents

ALONGWITH

WRIT PETITION NO. 7330 OF 2021

Shantaram Gangaji Ahire and Ors. ... Petitioners
Versus
The State of Maharashtra Through
The Secretary, Tribal Development
Dept. and Ors. ... Respondents

WITH

WRIT PETITION NO. 7332 OF 2021

Chandrakant Santu Bhangare and Ors. ... Petitioners
Versus
The State of Maharashtra Through
The Secretary, Tribal Development
Dept. and Ors. ... Respondents

WITH

WRIT PETITION NO. 7329 OF 2021

Sandeep Vishnu Khambait and Ors. ... Petitioners
Versus

The State of Maharashtra Through
The Secretary, Tribal Development
Dept. and Ors.

... Respondents

Mr. V.S.Tadke i/b Mr. Balaji S. Shinde, Advocate for the Petitioners in
all the Petitions.

Miss S.S.Bhende-AGP, Mrs.Diwan-AGP, Mr. N.K.Rajpurohit-AGP and
Mrs. P.J.Gavhane – AGP for the Respondent No.1 to 5 in all four Writ
Petitions.

Mr. Vivek B. Rane i/b Mr. A.R.Kapadnis, Advocate for respondent
Nos.6 to 11 in all above Writ Petitions.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 24TH NOVEMBER, 2021

P.C. :-

1. Writ Petition No. 7329 of 2021 not on board. Taken on
board.

2. Rule.

3. Learned Counsel for the respondents waive service. By
consent of the parties, petition is heard finally.

4. By this petition filed under Article 226 of the Constitution
of India, the petitioners are seeking an order and direction against
respondent Nos.6 to 13 to give relief by Ekstar alongwith respective

dates of withdrawal and direction to pay the salaries and arrears of salaries of the petitioners as per the said scheme.

5. Learned Counsel for the petitioners invited our attention to the order dated 14th July, 2021 passed by the Division Bench of this Court in Writ Petition (ST) No. 9543 of 2021 filed by the Baban S.Chavan and ors. V/s. State of Maharashtra and connected petitions and submits that similar order be passed in these petitions also.

6. Learned Counsel for the respondent Nos.6 to 13 states that his client would reconsider the decision of the recovery of the alleged excess amount from the salaries being paid to the petitioners after hearing the petitioners and would apply a true and correct interpretation of the G.R. dated 6th August, 2002. Statement is accepted.

7. The impugned action of recovery is accordingly withdrawn forthwith. The petitioners have agreed to appear before the Chief Executive Officer Zilla Parishad, Nashik on 2nd December, 2021 at 11.00 a.m. It is made clear that the petitioners would be

allowed to appear through an advocate or an authorized representative before the Chief Executive Officer Zilla Parishad, Nashik. The Chief Executive Officer Zilla Parishad, Nashik to pass a fresh order after hearing the petitioners through their respective advocates or authorized representatives without being influenced by conclusion drawn in the recovery action which is set aside by this order and shall decide the matter in accordance with law by interpreting the said G.R. dated 6th August, 2002 in right perspective and after taking into consideration the judgments of various Courts referred to and relied upon by the petitioners in these writ petitions. The petitioners would be at liberty to file written arguments along with representation before the Chief Executive Officer Zilla Parishad, Nashik within two weeks from today.

8. The Chief Executive Officer Zilla Parishad, Nashik shall decide the representation of the petitioners within six weeks from the date of first hearing. The order that would be passed by the Chief Executive Officer Zilla Parishad, Nashik shall be conveyed to the petitioners within two weeks from the date of passing such order. If the order that would be passed by the Chief Executive Officer Zilla

Parishad, Nashik is adverse against the petitioners, no coercive steps shall be taken against the petitioners for a period of four weeks from the date of communication of the order.

9. The Chief Executive Officer Zilla Parishad, Nashik in the meanwhile shall continue to pay salaries of the petitioners (one step pay scale) at the rate at which they were being paid prior to the date of recovery of amount.

10. The writ petitions are disposed of in the aforesaid terms.

11. If the date assigned to the Chief Executive Officer Zilla Parishad, Nashik is not convenient to him, an earlier convenient date shall be communicated to the petitioners one week in advance before the date of hearing.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]