

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 1194 OF 2022

RUPESH JAWAHARLAL JAIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Ameya Sabnis h/f Mr. Estling S. Murge
Addl. GP for Respondent Nos. 1 to 5 : Mr. S.B. Yawalkar
Advocate for Respondent No. 6 : Ms. V. N. Patil - Jadhav

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 24th JANUARY, 2022

PER COURT :-

1. We have heard Mr. Sabnis, the learned counsel for the petitioners. Ms. Patil, the learned counsel for respondent No. 6 – Zilla Parishad and learned Additional Government Pleader for respondent Nos. 1 to 5.
2. The petitioners are challenging the impugned communication, whereby one step benefit granted to the petitioners is withdrawn.
3. It is not disputed that the petitioners are similarly situated persons as petitioners in Writ Petition Stamp No. 9543 of 2021 with other connected writ petitions decided by this Court under order dated 14th July, 2021 at it's Principal Seat at Bombay.
4. In the light of that, we follow the same course. For the reasons recorded in the order dated 14th July, 2021 in Writ Petition Stamp

No. 9543 of 2021 with other connected writ petitions, we pass the same order.

5. The impugned action of recovery is accordingly withdrawn forthwith. The petitioners have agreed to appear before the Executive Officer, Zilla Parishad, Dhule on 03-02-2022. It is thus made clear that the petitioners would be allowed to appear through an advocate or an authorized representative before the Chief Executive Officer, Zilla Parishad, Dhule. The Chief Executive Officer, Zilla Parishad, Dhule to pass a fresh order after hearing the petitioners through their respective advocates or authorized representatives without being influenced by the order of recovering the amount taken till date which is set aside by this order and shall decide the matter in accordance with law by interpreting the said Government Resolution 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, Dhule within two weeks from today.

6. The Chief Executive Officer, Zilla Parishad, Dhule 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, Dhule 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, Dhule is adverse against the petitioners, no coercive steps would be taken against the petitioners for a period of four weeks from the date of communication of the order.

7. The Chief Executive Officer, Zilla Parishad, Dhule 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.

8. The writ petition is disposed of in the aforesaid terms. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE