

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

WRIT PETITION NO.2279 OF 2022

MUKESH ASHOK RATHOD AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Balaji S. Shinde, Advocate for the Petitioners.
Mr. A. S. Shinde, AGP for Respondents-State.

...

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

DATED : 16th FEBRUARY, 2022.

PER COURT:-

1. The learned counsel for petitioners and the learned A.G.P. are at consensus that the petitioners are similarly situated as petitioners in Writ Petition No.8820/2021. The said Writ Petition is disposed of under order dated 21.12.2021.

2. In view of the above, we follow the same course and pass the similar order:

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) The petitioners have agreed to appear before the respondent no.4 on 11.03.2022 at 11.00 a.m.

- (iii) The respondent no.4 shall pass fresh order after hearing the petitioners through their respective advocates or an authorised representatives without being influenced by the order of recovery of the amount taken till date which is set aside by this order and shall decide the matter in accordance with law by interpreting the clause 3 (7) of the Government Resolution dated 6th August 2002 in right perspective and after taking into consideration the principles of law laid down in catena of the decisions.
- (iv) The petitioners would be at liberty to file written arguments along with the representation before the respondent no.4 within one week from today.
- (v) The respondent no.4 shall decide representation within six weeks from the date of first hearing.
- (vi) The order that would be passed by the respondent no.4 shall be conveyed to the petitioners within two weeks from the date of passing such order.
- (vii) If the order that would be passed by the respondent no.4 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.

(viii)The respondent no.4 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.

3. Writ petition is allowed in aforesaid terms. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE