

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

972 WRIT PETITION NO.2692 OF 2022

JYSING ORAMA PAWARA & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the petitioners : Mr.Balaji S.Shinde
AGP for Respondent-State : Mr.S.P.Tiwari

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

DATE : 23.02.2022

P.C. :

1] We have heard Mr.Shinde, the learned counsel for the petitioners and the learned A.G.P. for respondent/State.

2] The petitioners are challenging the impugned communication, whereby one step benefit granted to the petitioners is withdrawn.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 14.07.2021 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5] The impugned action of recovery is accordingly withdrawn forthwith.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 Respondent No.4 – Divisional Joint Director of Agriculture, Nashik Division, Nashik on 11.03.2022 at 11.00 a.m. It is thus made clear that the petitioners would be allowed to appear through an advocate or an authorized representative before the respondent no.4. The Respondent No.4 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 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 the writ petition. The petitioners would be at liberty to file written arguments along with representation before the Respondent no.4 within two weeks from today.

6] The respondent no.4 shall decide the representation of the petitioners within six weeks from the

date of first hearing. 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. If the order that would be passed by the respondent no.4 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 respondent no.4 – Divisional Joint Director of Agriculture, Nashik Division, 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.

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

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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