

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9617 OF 2022
WITH WP/9618/2022 WITH WP/9619/2022

ONKAR GOPICHAND PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.B.S.Shinde, Advocate for the petitioners.
Ms.Vaishali S.Choudhari, Advocate for respondent Nos. 6 to 8.
Mr.S.K.Tambe, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : SEPTEMBER 20, 2022

PER COURT :

1. We have heard, Mr. Shinde, the learned counsel for petitioners, Mrs. Choudhari, the learned counsel for the respondent Nos. 6 to 8/ Zilla Parishad and the learned Assistant Government Pleader for the respondents/State in the respective writ petitions.

2. The petitioners are challenging the impugned communication, whereby one step pay scale benefit granted to the petitioners, is withdrawn.

3. It is not disputed that the petitioners are similarly situated

persons as like the 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 same, 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 The impugned action of recovery is accordingly withdrawn forthwith.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 Chief Executive Officer, Zilla Parishad, Nandurbar on 29.09.2022 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 Chief Executive Officer, Zilla Parishad, Nandurbar . The Chief Executive Officer, Zilla Parishad, Nandurbar shall 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 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 the 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 their representation before the Chief Executive Officer, Zilla Parishad, Nandurbar within two weeks from today.

6. The Chief Executive Officer, Zilla Parishad, Nandurbar shall decide the representation of the petitioners within six weeks from the date of the first hearing. The order that would be passed by the Chief Executive Officer, Zilla Parishad, Nandurbar, shall be conveyed to the petitioners within two weeks from the date of it's passing. If the order that would be passed by the Chief Executive Officer, Zilla Parishad, Nandurbar is adverse to the petitioners, no coercive steps would be taken against the petitioners for a period of four weeks from the date of the communication of the order.

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

08. The writ petitions are disposed of in the aforesaid terms. No costs.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)