

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

Writ Petition No. 4713 of 2022

Ashok Babanrao Anerao & ors. ... Petitioners

v/s.

The State of Maharashtra & ors. ... Respondents

WITH

Writ Petition No. 4715 of 2022

Rohidas Ananda Tungar & ors. ... Petitioners

v/s.

The State of Maharashtra & ors. ... Respondents

WITH

Writ Petition No. 4717 of 2022

Balu Ramdas Khambatt & ors. ... Petitioners

v/s.

The State of Maharashtra & ors. ... Respondents

Mr. V.S.Tadke i/b. Mr. Balaji S. Shinde for the Petitioners.

Mr. Vivek Rane i/b. Mr. A.R.Kapadnis for Respondent Nos. 6 & 7.

Mrs. S.S.Bhende, AGP for the State.

CORAM : A.S.Chandurkar & G.A. Sanap, JJ.

21st April 2022

P.C.

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The challenge raised in these writ petitions is to order dated 17th November 2018 passed by the Chief Executive Officer, Zilla Parishad, Nashik by which the benefit claimed by the Petitioner by relying upon clause 3(7) of G.R. dated 6th August 2002 is sought to be withdrawn and excess payments made to them are sought to be recovered.

3. The learned Counsel for the Petitioners submits that a similar issue arose in Writ Petition (st) No.9543/2021 with connected writ petitions. This Court on 14th July 2021 recorded the statement made on behalf of the Zilla Parishad that it would reconsider the decision of recovering alleged excess payments from the salaries of those Petitioners and would also consider the representation of said Petitioners for grant of benefit under the Government Resolution dated 6th August 2002. He submits that since these writ petitions also pertain to the same Zilla Parishad, a similar course will be followed.

4. The learned Counsel for the Zilla Parishad – Respondent Nos. 6 and 7 does not dispute the aforesaid aspects of the matter. He,

however, submits that Petitioners have not made any representations to the Chief Executive Officer seeking benefits under Government Resolution dated 6th August 2002.

5. Perusal of the order dated 14th July 2021 indicates that the stand of the Zilla Parishad to consider the decision of recovering alleged excess payments be sought to be reiterated in these writ petitions. Learned Counsel for Respondent Nos.6 and 7 on instructions submits that even in these cases the Zilla Parishad would reconsider the decision of recovery of alleged excess payments. It is, however, seen that the Petitioners have not made any representation to the Chief Executive Officer seeking continuation of benefit under Government Resolution dated 6th August 2002.

6. The Petitioners are accordingly permitted to make such representations within a period of four weeks from today. If such representations are made to the Chief Executive Officer, he shall consider the same in accordance with law and the Government Resolution dated 6th August 2002. The decision thereafter be taken within further period of 6 weeks from the date of receipt of such representations. The order passed shall be conveyed to the Petitioners. If any adverse order is passed and a recovery is proposed against the Petitioners, no coercive steps be taken for a period of 4 weeks from the

date of communication of such order. In the meanwhile, the salaries of the Petitioners shall be paid at the same rate at which they were paid prior to issuance of the communication dated 17th November 2018.

7. The Writ Petitions are disposed of with aforesaid directions with no order as to costs.

(G.A.Sanap, J)

(A.S. Chandurkar, J)

Lata Panjwani, P.S.