

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

WRIT PETITION NO. 8120 OF 2022

Ganesh Ratan Bhoi And Ors.	...Petitioners
vs.	
The State of Maharashtra Thr The Secretary Tribal Development Dept. and Ors.	...Respondents

**ALONGWITH
WRIT PETITION NO. 8121 OF 2022**

Somnath Balkrushna Dhokre	...Petitioner
vs.	
The State of Maharashtra Thr The Secretary Tribal Development Dept. and Ors.	...Respondents

Mr. V. S. Tadke i/by Mr. Balaji Shinde - Advocate for the Petitioners
Mr. N. C. Walimbe - AGP for the Respondent-State
Vivek B. Rane i/by Ashwin Kapadnis – Advocate for Respondent Nos. 6
and 7.

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 11th JULY, 2022

P. C. :-

1. Learned counsel for the Petitioners and learned counsel for the Zilla Parishad and learned AGP are ad-idem that the Petitioners in the present case are similarly situated persons in Writ Petition No. 9643 of 2021 with connected Writ Petitions decided on 05/10/2021 (page no.

79), in light of that we follow the same course.

2. For the reasons recorded in the Order dated 05/10/2021 in Writ Petition No. 9643 of 2021 with connected writ petitions, we pass the same order.

3. The impugned action of recovery is accordingly withdrawn forthwith. The petitioners have agreed to appear before the Chief Executive Officer, Zilla Parishad, Nashik on 01.08.2022 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, Nashik. The Chief Executive Officer, Zilla Parishad, Nashik 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 these writ petitions. The petitioners would be at liberty to file written arguments along with representation before the Chief Executive Officer, Zilla Parishad, Nashik within two weeks from today.

4. The Chief Executive Officer, Zilla Parishad, Nashik 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, Nashik 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, Nashik 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.

5. The Chief Executive Officer, Zilla Parishad, 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.

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

[S. M. MODAK, J.]

[S.V. GANGAPURWALA, J.]