

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

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2022.08.05
18:31:40
+0530

WRIT PETITION NO. 9257 OF 2022

Nikam Sunil Shantaram & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

WRIT PETITION NO. 9264 OF 2022

Sandip Ramchandra Jadhav & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

WRIT PETITION (ST) NO. 19121 OF 2022

Sandip Shankar Khairnar & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

Mr. V. S. Todake for the Petitioners
Mr. N. C. Walimbe, AGP for the State
Mr. Vivek Rane I/b. Mr. Ashwin Kapadnis for Respondent Nos.6 & 7

**CORAM: S.V.GANGAPURWALA &
M.S.KARNIK, JJ.**

DATED : AUGUST 5, 2022

P.C.

1 We have heard the learned counsel for the Petitioners and the learned counsel for Respondents Nos. 6 and 7 Zilla Parishad and the learned Assistant Government Pleader for Respondents/State in respective Writ Petitions.

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 The Petitioners are challenging the impugned communication, whereby one step benefit granted to the Petitioners is withdrawn.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 (ST) 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 (ST) 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 The impugned action of recovery is accordingly withdrawn forthwith.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, Nashik on 25.08.2022 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.

6. 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.

7. 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.

8. The Writ Petitions are disposed of in the aforesaid terms. No costs.

(M.S.KARNIK,J.)

(S.V. GANGAPURWALA, J.)