

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

WRIT PETITION NO. 11043 OF 2022

Bhamare Ravindra Gulabrao and Ors ...Petitioners
Versus
The State Of Maharashtra and Ors ...Respondents
WITH

WRIT PETITION NO. 11046 OF 2022

Nerkar Tushar Bhalchandra and Ors ...Petitioners
Versus
The State Of Maharashtra and Ors ...Respondents

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Mr. Nitin Gaware Patil a/w Mr. Balaji Shinde for the Petitioners
in both Writ Petitions.
Mrs. P.J. Gavhane, AGP for the State.

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, J.J.**

DATED : 22nd SEPTEMBER 2022

P.C. :-

1. We have heard learned Counsel for the petitioners and learned AGP for the 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 The Petitioners are challenging the impugned communication, whereby one step benefit granted to the Petitioners is withdrawn.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 (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 The impugned action of recovery is accordingly withdrawn forthwith.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 concerned Project Officer on 10.10.2022 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 concerned Project Officer. The concerned Project Officer 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 concerned Project Officer within two weeks from today.

6. The concerned Project Officer shall decide the representation of the Petitioners within six weeks from the date of first hearing. The order that would be passed by the Project Officer 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 concerned Project Officer 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 concerned Project Officer 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.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)