

Vidya Amin

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

WRIT PETITION NO.12275 OF 2022

Bhoye Vasant Arjun & Ors. .. Petitioners
Vs.
The State of Maharashtra through Secretary & Ors. .. Respondents

**WITH
WRIT PETITION (ST) NO.3153 OF 2022**

Sanjay S/o.Manohar Bhoye & Ors. .. Petitioners
Vs.
The State of Maharashtra and Ors. .. Respondents

Mr. V.S. Tadke i/b. Mr. Balaji Shinde for the petitioners in
WP/12275/2022.

Mr. S.B.Kalel, AGP for the State.

Mr. Vivek Rane i/b. Mr. Ashwini Kapadnis for respondent nos. 6 and 7 in
WP/12275/2022 and respondent nos. 4 and 5 in WP/3153/2022.

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

DATE : OCTOBER 18, 2022.

P.C.:

1. The petitioners are working in tribal area of Nashik District. The petitioners are entitled for benefit of one step pay scale. The same is withdrawn under the impugned communication.

2. Learned advocate for the petitioners and learned advocate for Zilla Parishad are *ad idem* that the petitioners are similarly situated as the petitioners in Writ Petition (St.) No.9543 of 2021 with connected Writ Petitions decided under order dated 14th July, 2021.

3. In light of that, we follow the same course.

4. The impugned action of recovery is accordingly withdrawn forthwith. The petitioners have agreed to appear before the Chief Executive Officer, Zilla Parishad, Nashik on 1st November, 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 CEO, Zilla Parishad 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 CEO, Zilla Parishad, Nashik within two weeks from today.

5. The CEO, 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 CEO, Zilla Parishad 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 CEO, 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.

6. The CEO, Zilla Parishad 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.

7. The writ petitions are disposed of in the aforesaid terms.

8. If the date assigned to the CEO, Zilla Parishad is not convenient to him, an earlier convenient date shall be communicated to the petitioners within one week in advance before the date of hearing.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)