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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12358 OF 2022

Santu Sahebrao Bhalerao & Ors. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Ajay T. Kanawade, Advocate for the Petitioners.

Mr. A. P. Vanarse, AGP for the Respondents/State.

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

DATED : OCTOBER 17, 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 The petitioners are challenging the impugned communication, whereby one step benefit granted to the petitioners is withdrawn.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 light of that, we follow the same course. For the reasons recorded in the order dated 14th July 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 The impugned action of recovery is accordingly withdrawn forthwith.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 Additional Commissioner/respondent No.4 on 9th 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 concerned Additional Commissioner. The concerned Additional Commissioner 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 Government Resolution 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 this writ petition. The petitioners would be at liberty to file written arguments along with representation before the concerned Additional Commissioner within two weeks from today.

6. The concerned Additional Commissioner shall decide the representation of the petitioners within six weeks from the date of first hearing. The order that would be passed by the Additional Commissioner 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 Additional Commissioner 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 Additional Commissioner 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 petition is disposed of in the aforesaid terms.
No costs.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)