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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 WRIT PETITION NO.11518 OF 2022

MAHESH SUNDARRAO DESHMUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.11519 OF 2022

PRADIP FAKIRA DALVI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.1735 OF 2023

KHUDE YADOJI RAGHOJI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
916 WRIT PETITION NO.13033 OF 2022

GANESH JANARDHAN AMBRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.13031 OF 2022

NAVNATH DIGAMBAR SAWARGAWE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

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AND
WRIT PETITION NO.13032 OF 2022

SUDHIR ATMARAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

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Mr Balaji S. Shinde, Advocate for petitioners;

Mr S. G. Karlekar and Mr S. G. Sangle A.G.Ps. for
respondents/State in respective petitions

Mr U. S. Mote, Advocate for respondent Nos.6 to 8 in
WP/11518/22

Mr N. V. Mirajkar, Advocate h/f Mr Vinayak Narwade, Advocate
for respondent No.7 in WP/11519/22

Mr A. D. Aghav, Advocate for respondent Nos.6 to 8 in
WP/13033/22

Mr S. B. Pulkundwar, Advocate for respondent Nos.6 to 8 in WP/
13031/22

Mr U. S. Patil, Advocate for respondent Nos.6 to 8 in
WP/13032/22

AND
1048 WRIT PETITION NO.10495 OF 2022

JJYOTIKA NARAYAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.10496 OF 2022

SOU MONIKA VIJAY CHOUDHARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.10497 OF 2022

TAPIRAM TARACHAND PATIL AND OTHERS

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VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

AND
WRIT PETITION NO.10498 OF 2022

PRIYA PRAKASH KUMAVAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

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Mr Rajdeep S. Banik, Advocate for petitioners
Mr S. G. Karlekar and Mr S. G. Sangle, A.G.Ps. for
respondents/State in respective petitions

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th February, 2023

PER COURT:

1. Writ Petition No.1735/2023 was not on board. By the consent of the parties, taken on board.
2. In Writ Petition No.11518/2022, the name of Sanjay Kisan Sormare was inadvertently not added in the array of the petition, though his name is mentioned in the Vakalatnama and he has also signed the Vakalatnama. Leave to add the said petitioner is granted.

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3. All these petitioners are identically placed and they pray for identical directions to the Government, that a Committee for the removal of anomalies in the pay-fixation of senior pay-scale (Chattopadhyay Scale under the 7th Pay Commission) will have to be constituted and the salaries of these petitioners would increase by 22%.

4. It is also not disputed that, in some of these matters, their employers had taken a stand that, they had received higher pay-scales accidentally under the 6th Pay Commission recommendations. This lead to an erroneous pay-fixation after the introduction of the 7th Pay Commission benefits. Hence, the employer/establishment has contemplated recovery of the excess amounts paid.

5. By an order dated 06/12/2022, this Court has protected the petitioners against recovery.

6. The learned A.G.P. submits on instructions that, a decision was taken on 10th January, 2023 by the State Cabinet to publish the Second Part of 7th Pay Commission and the minutes were confirmed on 31/01/2023 about within a what period of time, the Government Resolution would be published. He expects that the

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authorities would look into the grievance of the petitioners, on or before 30/06/2023 and the decision would be accordingly taken.

7. In view of the above, these petitions are disposed off, by recording the above statements. We expect that the grievance of these petitioners would be considered by the Competent Authority/Committee, which would be constituted by the State Government and the decision thereon would be arrived at, on or before 30/06/2023.

8. Needless to state, the order passed by this Court earlier, restraining the respondents from initiating recoveries against these petitioners and similarly situated employees, would continue to protect them till 30/06/2023. The decision of the Government, subject to any challenge, would thereafter enable the Government to initiate appropriate steps. Meaning thereby, if lesser amounts have been paid, the same shall be paid to these petitioners. The issue as regards excess amounts paid, is left open, and if the petitioners are aggrieved by the same, they are at liberty to avail of the remedy, as is permissible in law.

(SANJAY A. DESHMUKH, J.)

sjk

(RAVINDRA V. GHUGE, J.)