

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

909 WRIT PETITION NO.10523 OF 2021

PRADNYA W/O NAMRAPAL RAMTEKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Biradar R.D.
AGP for Respondents/State : Mr. S.G. Sangle
Advocate for R/3 to 6 : Mr. S.B. Pulkundwar

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 25th January, 2023

PC. :-

1. The petitioner is a widow who, pursuant to the demise of her husband, is brought on record along with the children born from the marriage with the deceased original petitioner. A grievance raised before this Court is as regards the order dated 23.06.2017 passed by the C.E.O., Zilla Parishad, Nanded, vide which, the pay fixation of the deceased petitioner's salary has been arrived at. The impugned order does not indicate that the petitioner was heard before his pay fixation was altered and a re-pay fixation was made by the impugned order.

2. The LRs of the deceased petitioner contend that the pensionary benefits of the petitioner have been withheld for no reason.

3. The learned advocate representing the Zilla Parishad submits that there are no averments as regards non-payment of the pensionary benefits.

4. In our view, if deprivation of pensionary benefits is pointed out while considering a writ petition pertaining to the unilateral re-pay fixation made without hearing the petitioner, this Court has every reason to be alive to such deprivation and deal with the employer who causes such deprivation.

5. In view of the above, this petition is partly allowed. The impugned order dated 23.06.2017, which is passed without issuing any notice of hearing to the deceased, stands quashed and set aside. We direct the C.E.O., Zilla Parishad to reconsider the pay fixation as is arrived at. A notice of hearing may be issued to the widow of the petitioner who will be represented by an advocate for addressing the C.E.O. Let a decision be arrived at thereafter, with reasons. This exercise shall be completed within a period of 60 days from today.

6. In so far as the contention of the LR that the pensionary benefits have been withheld, we direct the C.E.O., Zilla Parishad to process the pension papers, if not already processed, on the basis of the pay fixation which is already arrived at and in the event of any change in the pay fixation after the hearing as directed above, the arrears of payment, as the case may be, shall be

adjusted in the future payments and ensure that all arrears of pension based on the records of the Zilla Parishad, are paid to the petitioner within 90 days from today, along with admissible interest.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]