

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

WRIT PETITION NO. 1126 OF 2021

Bibhishan Namdeo Raut & Ors. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO. 1127 OF 2021**

Adinath Devappa Magdum & Ors. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO. 4808 OF 2021**

Smt. Neelam Brijesh Kaushik Petitioner
Vs.
Maharashtra Jeevan Pradhikaran & Ors. Respondents

**WITH
WRIT PETITION NO. 4863 OF 2021**

Arun Sitaram Maskar Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO. 4807 OF 2021**

Ramesh Damodar Bhere Petitioner
Vs.
Maharashtra Jeevan Pradhikaran & Ors. Respondents

**WITH
WRIT PETITION NO. 8056 OF 2022**

Rajiv Darne Petitioner
Vs.
Maharashtra Jeevan Pradhikaran & Ors. Respondents

**WITH
WRIT PETITION NO. 8057 OF 2022**

Vijay K. Gajdhane Petitioner
Vs.
Maharashtra Jeevan Pradhikaran & Ors. Respondents

Ms. Kalyani Tulankar I/b. Mr. Ranjit D. Shinde for the Petitioners
Mr. A. R. Pitale for Respondent Nos.2 to 4
Mr. Ashok T. Gade for the Respondents in 8056/2022 and
8057/2022
Mr. B. V. Samant, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : APRIL 19, 2023

P.C.

1. The connected Writ Petition Nos.8056 of 2022 and 8057 of 2022 are not on board. Upon mentioning, they are taken on board.
2. We have heard the learned Counsel for the Petitioners and the learned AGP for the State.
3. The challenge is to the re-pay-fixation and recovery claimed.
4. Amongst other submissions, one of the submissions of the learned Counsel for the Petitioners is that the impugned order of re-pay-fixation and recovery is passed without notice to the Petitioners and without hearing the Petitioners.

5. On the last date, we had asked the learned Counsel for the Respondents to take instructions whether the Petitioners were issued any notice before passing the impugned order of re-pay-fixation ?

6. Today, the learned Counsel for the Respondents, on instructions, submits that no show cause notice was issued to the Petitioners before passing the impugned order.

7. It is the cardinal and fundamental principle of jurisprudence that whenever an order, adverse to the interest of a party is passed, the principles of natural justice are required to be adhered to. The Respondents, at least, ought to have issued show cause notice or sought for the reply from the Petitioners and thereafter take a decision of re-pay-fixation and of other aspects.

8. In light of the fact that no show cause notice was issued to the Petitioners, the impugned orders are quashed and set aside.

9. The Respondents may issue notice to the Petitioners, in case, they want to re-fix the pay of the Petitioners, invite say from the Petitioners and thereafter take decision afresh on its own merits.

10. The Respondents may also take further steps with regard to the pension and the pensionary benefits, as may be admissible under

the law.

11. The Writ Petitions are accordingly disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)