

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12285 OF 2023

Ravindra Gokul Chaudhari & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

- Mr. Mihir Desai, Senior Advocate i/b. Ms. Sanskruti Yagnik, for the Petitioners.
- Mr. V.M. Mali, AGP for the Respondent-State.

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 6th OCTOBER, 2023.

ORAL JUDGMENT : {Per : Sunil B. Shukre, J.}

1. Heard.
2. RULE. Rule is made returnable forthwith, by consent of learned counsel for the respective parties.
3. It is not in dispute that the petitioners are similarly placed as the petitioners in Writ Petition No.14474/2021 and other connected matters, decided on 09.06.2023 by a Division Bench of Aurangabad Bench, and therefore, we have no hesitation in passing a similar order, which is as follows:-

- (i) The impugned actions of recovery/stoppage of the increment is quashed and set aside.
- (ii) The petitioners shall appear before Respondent No.4 on 16.10.2023 at 11.00 a.m. The petitioners are at liberty to appear

before the respective authorities even through their duly authorized representative/advocate.

(ii) Respondent No.4 is directed to grant an opportunity of hearing to them either personally or through their representative/advocate.

(iv) Respondent No.4 shall take appropriate decision in the matter in accordance with law within a period of eight weeks from the date of first hearing, keeping in view the guidelines stated in the Government Resolution dated 06.08.2002 and also the observations made by the High Court in its various orders which may be relied upon by the petitioners. The petitioners would be at liberty to file written notes of argument.

(v) The order shall be communicated to the petitioners immediately and if the decision is adverse to the petitioners, no coercive steps shall be taken against the petitioners as regards stoppage of increment and recovery of excess salary paid to them, within a period of four weeks from the date of receipt of this order.

(vi) Needless to say that the petitioners would be entitled to receive salary at the rate on which they were being paid prior to the impugned actions.

4. Rule is made absolute in the above terms.

5. Writ Petition is disposed of accordingly.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]