

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5764 OF 2022

Prakash Anand Nemade
Age @ 56 yrs, Occ – Service,
R/o Kastakar Sankul No. 2,
V.H.B. Colony Road,
Sameer Nagar, Malkapur,
Akola, Dist. Akola.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra through its Secretary for Rural Development Department, Mantralaya, Mumbai.
2. The Zilla Parishad, Akola through its Chief Executive Officer, Akola, Dist. Akola.

..... **RESPONDENTS**

WRIT PETITION NO.5938 OF 2022

Gunavanta Manikrao Tale,
Age @ 62 yrs, Occ – Retired,
R/o Redhe Apartment, Flat No.10,
New Bhagwat Plot, Near Ikon Hospital,
Akola, Tq. & Dist. Akola.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra through its Secretary for Rural Development Department, Mantralaya, Mumbai.
2. The Zilla Parishad, Akola through its Chief Executive Officer, Akola, Dist. Akola.

..... **RESPONDENTS**

WRIT PETITION NO.5937 OF 2022

Laxman Piran Bhaskar,
Age @ 57 yrs, Occ – Service,
R/o Rahanapur, Post Bordi,
Tq. Akot, Dist. Akola.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra through its Secretary for Rural Development Department, Mantralaya, Mumbai.
2. The Zilla Parishad, Akola through its Chief Executive Officer, Akola, Dist. Akola.

..... **RESPONDENTS**

Mr. S. M. Vaishnav, Advocate for Petitioner.
Mr. S. M. Ukey, Addl GP for Respondent 1/State.
Mr. U. J. Deshpande, Advocate for Respondent 2.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**
DATE: **27th FEBRUARY, 2023.**

COMMON JUDGMENT: (PER ROHIT B. DEO, J.)

Rule. Rule made returnable forthwith by consent of the learned counsels for the parties.

2. The challenge is to the communication dated 02.09.2022 whereby the pay scale has been reduced and recovery ordered.

3. It is not in dispute, that the order impugned is passed without issuing notice and hearing.

4. In this view of the matter, although the order impugned appears to be appealable, we are not inclined to relegate the petitioners to the remedy of appeal.

5. It is well settled that breach of principles of natural justice would be one situation where the constitutional court can intervene despite the existence of alternate remedy.

6. We set aside the orders impugned in the petitions.

7. The appropriate authority may, if so advised, issue notice to the petitioners and after hearing them pass an appropriate order in accordance with law.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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