



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

WRIT PETITION NO. 418 OF 2022

Rameshrao Sheshrao Deshmukh,
Age @ 58, Occ. Retired
R/o Mahananda Nagari, Loni Road, Risod,
Tq. Risod, District Washim

...Petitioner

// VERSUS //

1. Commissioner, Amravati
Amravati Division, Amravati
2. Chief Executive Officer,
Zilla Parishad, Washim,
Tq. & Dist. Washim
3. Accounts Officer / Deputy Zilla Parishad,
Washim, Tq. and Dist. Washim

... Respondents

Shri S.M.Vaishnav, Advocate for the petitioner.
Shri M.L.Vairagade, Advocate for the respondent nos. 2 and 3.
Mr. Amit Madiwale, AGP for the respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : 10th APRIL, 2024.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The order dated 1st October, 2020 issued by the Chief Executive Officer, Zilla Parishad, Washim re-assessing the pay-scale of the

petitioner as per the Government Resolution dated 28th July, 2014 and confirmed by the Divisional Commissioner, Amravati vide impugned order dated 27th September, 2021, is under challenge in this writ petition.

3. The petitioner was appointed as 'Tracer' in Class-IV category vide appointment order dated 4th April, 1986. The petitioner was granted first benefit of Service Advancement Scheme on 3rd December, 2008 with effect from 14th March, 1998. Similarly, the second benefit was granted on 5th December, 2012 with effect from 11th March, 2010. However vide impugned order those benefits were taken away and re-assessment of pay scale was made.

4. From the record it is apparent that before making such re-assessment that too after superannuation of the petitioner on 30th April, 2019, it was done without issuing show cause notice or without assigning any reason for such re-assessment.

5. The learned counsel for the respondent Zilla Parishad submits that since the petitioner did not pass professional examination which is a pre-condition for grant of such benefits, re-assessment was made after noticing that such benefits were wrongly given to the petitioner.

6. However, from the impugned order it is apparent that there is no reasons mentioned for making re-assessment. Moreover, the reference to the Government Resolution dated 28th July, 2014 to make re-assessment of the pay scale of the petitioner appears to be *prima facie*

misconceived as the second benefit was granted to the petitioner on 5th December, 2012 i.e. much before the said Government Resolution.

7. In the circumstances, I am of the opinion that the impugned order needs to be quashed and set aside for the reason that no show cause notice was issued to the petitioner and thereby no opportunity was granted to the petitioner to put his stand or to oppose the proposed action of re-assessment of pay scale of the petitioner. Accordingly, I pass the following order.

- i. The writ petition is allowed;
- ii. The order dated 1st October, 2020 issued by the Chief Executive Officer and confirming by the Divisional Commissioner in Departmental Appeal vide order dated 27th September, 2021 are hereby quashed and set aside;
- iii. It is made clear that if the Zilla Parishad, Wahim, so desires to make re-assessment of pay scale of the petitioner if permissible under the law, may do so after following principles of natural justice.

[ANIL S. KILOR, J.]