



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

WRIT PETITION NO. 3406 OF 2024

Shilpa Ashokrao Fulmali and others

-- Petitioners

vs.

State of Maharashtra and others

-- Respondents

Mr. A.S.Chakotkar, Advocate for the petitioners.

Mr. J.Y.Ghurde, Assistant Government Pleader for respondent No.1.

Mr. Omkar Deshpande, Advocate for respondent No.3.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : JANUARY 29, 2025

P. C.

1) **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.

2) Learned counsel for the petitioner submitted that the issue involved in the present case is covered by the decision dated 12/11/2024 passed in Writ Petition No.6177/2022. He further submitted that each petitioner is ready to file an individual representation before respondent No.2, Chief Executive Officer, Z.P., Yavatmal, in respect of their claim.

3) In response, learned counsel for respondent Nos.2 and 3 submitted that they will consider their representation according to the Government Resolution dated 06/08/2002. Accordingly, the learned counsel for the petitioner submitted that in view of the directions given in the Writ Petition No.6177/2022, the

petition could be disposed of. For this, counsel for respondent Nos.2 and 3 has conceded.

4) Hence, considering the above submissions and for the reasons contained in the order passed at the Principal Seat in a bunch of Writ Petition Stamp No.9543 of 2021 along with connected writ petitions, ***Baban S. Chavan and others vs. State of Maharashtra and others decided on 14/07/2021***, we deem it appropriate to issue following directions :-

1. Each petitioner is at liberty to make a representation to the Chief Executive Officer of the Zilla Parishad, Yavatmal, against the alleged recovery of excess payment and for the continuation of salary in terms of the Government Resolution dated 06/08/2002. Additional Grievances, if any, can also be made part of such representation.
2. The Chief Executive Officer shall decide the representations made by the petitioners within a period of twelve weeks from the first date of proceedings, and the order passed will be communicated to the petitioners.
3. If the Chief Executive Officer passes an adverse order, no coercive steps for recovering any excess payment shall be taken for four weeks from the date of communication of such order to the petitioners.
4. Until the Chief Executive Officer takes a decision on the representations, the petitioners shall continue to receive salary at the same rate at which they were receiving it prior to recovery, if any.
5. The writ petition is disposed of with aforesaid directions. Rule made accordingly in the above terms. No costs.

(**ABHAY J. MANTRI, J.**)

(**AVINASH G. GHAROTE**)