

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 5632 OF 2022

Shri Ajeet Tripathi and ors. .. Petitioners
Vs.
Union of India and ors. .. Respondents

Ms. Jane Cox i/b Mr. Raturaj Bankar, for Petitioners.
Mr. P. Khosla i/b Mr. R. R. Shetty, for Respondents No. 1 to 3.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: MARCH 15, 2022

P.C.:

1. Exhibits 'R', 'V' and 'W' are under challenge in this writ petition by five petitioners who are working on deputation posts in the Debts Recovery Tribunals in Maharashtra. Their grievance is that by reason of implementation of the impugned communications, they are receiving less pay than what they would have been entitled to, had they been serving their parent organizations.

2. Ms. Cox, learned advocate prays for stay of operation of the impugned communications. We are not inclined to grant such prayer because, in such event, it would amount to granting the principal relief by an interim order. However, we hasten to observe that in the event the writ petition succeeds, the petitioners would obviously be entitled to the difference of monetary benefits arising out of implementation of the impugned communications.

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3. At this stage, Ms. Cox prays that no recovery should be allowed to be effected. Since we are of the *prima facie* view that the petitioners could not have been worse off upon joining the deputation posts, it is directed that no recovery shall be effected in terms of the impugned communications until further orders.
4. Liberty to correct the prayer clauses is granted, on the oral prayer of Ms. Cox.
5. Mr. Khosla, learned advocate appears for the respondents 1 to 3 and waives service of notice.
6. Issue notice to respondents no. 4 and 5, returnable on **April 12, 2022.**
7. Let reply affidavit be filed by April 5, 2022; rejoinder thereto, if any, be filed by a week thereafter.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)