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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**40 WRIT PETITION NO.7152 OF 2022
WITH WP/4134/2022**

**PARDHE SHIDHODHAN MADHUKARRAO AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
SECRETARY AND OTHERS**

**WITH
WRIT PETITION NO.4134 OF 2022**

**CHANDRAKANT MUKTIRAM GHUGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
SECRETARY AND OTHERS**

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Mr V. P. Latange, Advocate h/f Mr B. S. Shinde, Advocate for
petitioners

Mr S. G. Sangle, A.G.P. for respondents/State

Mrs Yogita Thorat, Advocate for respondent Nos.6 to 8 in
WP/7152/2022

Mr S. B. Pulkundwar, Advocate for respondent Nos.6 to 8 in WP/
4134/2022

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 17th August, 2022

PER COURT:

1. In both these petitions, the identically placed petitioners
have put forth identical prayer clauses (B) and (C), which read as
under :-

(2)

“[B] This Honorable court, by issuing appropriate writ, order, directions, may please to direct the respondents no.6 to 8 to continue to reconsider the issue of withdrawal of Ekstar (One-step pay scale), and directed to pay salaries as per one step pay scale till Petitioners works in Tribal/PESA area as per honorable High Courts judgment dtd 14.07.2021 in W.P. St. no.9543/2021 in case of Baban Chavan & connected petitions, and various identical orders of this court.

[C] This Honorable court, by issuing appropriate writ, order, directions, may please to direct the respondents no.6 to 8 to continue to pay salaries as per Ekstar (One-step pay scale) from respective dates of withdrawal, and directed to pay the salaries and arrears of salaries of the petitioners as per Ekstar (One-step pay scale), till petitioners works in the Tribal/PESA area, as per judgment of this court order dated 14.07.2021 in W.P.st. no.9543/2021 in case of Baban Chavan & connected petitions, and consequently quash and set aside, the impugned action of revocation of one step pay scale issued by respondent no.6 to 8.”

2. We have considered the submissions of the learned Advocates for the respective sides and we have perused the series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to the petitions.

3. In view of the above, we do not find any such circumstances, which would convince us to take a different view.

(3)

4. The learned Advocates representing the respective parties in those cases, (orders which have been annexed to the petitions), have clearly stated that the order passed by this Court at the Principal Seat, in Writ Petition No.8824/2021, dated 21/12/2021, is applicable to all such cases.

5. In view of the above, these two petitions are allowed in the following terms :-

(i) The impugned action of recovery initiated by the respondents is quashed and set aside.

(ii) The Deputy Chief Executive Officer of Zilla Parishad shall scrutinize the records of all these petitioners and the places at which they are deployed for performing their duties, within a period of 21 days i.e. on or before 08/09/2022.

(iii) Those cases which are without any legal impediment after verification, shall be cleared by the Zilla Parishad and the salary benefits, to which they are entitled to, in the light of the one-step pay-scale made available to the employees working in the Tribal and PESA areas, shall be paid their arrears as well as their current salaries within a period of four weeks thereafter.

(4)

(iv) After scrutiny, if any of these petitioners, on the basis of their records, are found to be ineligible, the Chief Executive Officer, Zilla Parishad, would issue notices to each of such petitioners, so as to enable them to appear before the said authority and address the Chief Executive Officer, Zilla Parishad.

(v) After such hearing, which shall be completed on or before 15/10/2022, the Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(vi) Those petitioners, who suffer adverse orders after the above stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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