

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

Writ Petition (WP) No. 810/2021

Maharashtra Rajya Prathamik Shikshan Sangha, Branch Gondia and ors.
..VS..

*The State of Maharashtra, through its Secretary Rural Development
Department, Mantralaya, Mumbai and ors.*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Kshirsagar, Advocate for the petitioners
Ms. Hemlata Jaipurkar, AGP for respondent nos. 1 to 3/State
Shri Anoop Parihar, Advocate for respondent nos. 4 and 5

CORAM : A. S. CHANDURKAR AND G.A. SANAP, J.J.

DATED : 21/02/2022

Rule. Rule made returnable forthwith. Considering the limited issue arising in this writ petition, heard the learned Counsel for the parties.

The petitioner no. 1 is an Association of Teachers serving at Zilla Parishad, Gondia. The teachers of the Association have rendered services in Naxalite and Tribal areas of the District. Pursuant to the Government Resolution dated 06.08.2002, the members of the Association were given benefit of one step promotional pay by modifying their pay-scales. Grievance of the petitioners is that despite rendering such services, the benefits given were sought to be withdrawn in a manner that was contrary to the Government Resolution dated 06.08.2002. Hence, some of the teachers made a representation to the Zilla Parishad on 02.08.2019 praying that such benefits could not have been withdrawn and hence the same be continued. There being no response from the Zilla Parishad, the petitioners have approached this Court for aforesaid reliefs.

The petitioners have filed Civil Application (CAW) No. 206/2022 seeking interim direction for continuation of the benefits that they were receiving as per Government Resolution dated 06.08.2002. Alongwith said application a copy of order dated 14.07.2021 that was passed at the Principal Seat at Bombay in Writ Petition (Stamp) No.9543 of 2021 (*Baban S. Chavan & Ors. Vs. State of Maharashtra & Ors.*) and other connected matters has been annexed. As per that order, the Zilla Parishad therein had undertaken to re-consider the decision of recovering alleged excess amount and had agreed to hear the petitioners therein before taking any further steps.

The learned Counsel appearing for the Zilla Parishad, on instructions, submits that such course would be followed in the present matter. Paragraph nos. 8 and 9 of the order dated 14.07.2021 read as under:-

“8. The Education Officer (Primary) Zilla Parishad shall decide the representation of the petitioners within six weeks from the date of first hearing. The order that would be passed by the Education Officer (Primary) Zilla Parishad shall be conveyed to the petitioners within two weeks from the date of passing such order. If the order that would be passed by the Education Officer (Primary) Zilla Parishad is adverse against the petitioners, no coercive steps would be taken against the petitioners for a period of four weeks from the date of communication of the order.

9. The Education Officer (Primary) Zilla Parishad in the meanwhile shall continue to pay salaries of the petitioners (one step pay scale) at the rate at which they were being paid prior to the date of recovery of amount.”

Having considered the matter, we are inclined to follow the similar course that was directed to be followed in the aforesaid writ

petition. This would enable the Zilla Parishad to take a decision on the representations to be made by the petitioners and during that period the salaries of the petitioners would be continued to be paid at the rate at which they were being paid prior to such recovery. Accordingly, the writ petition is disposed of by issuing the following directions:-

- i. Each petitioner is at liberty to make a representation to the Chief Executive Officer, Zilla Parishad, Gondia against the alleged recovery of excess payment and for continuation of salary in terms of Government Resolution dated 06.08.2002.
- ii. 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 would be communicated to the petitioners.
- iii. If any adverse order is passed by the Chief Executive Officer, no coercive steps for recovery of any excess payment shall be made for a period of four weeks from the date of communication of such order to the petitioners.
- iv. Till 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 the same prior to such recovery.

With these directions, the writ petition is allowed and disposed of in the aforesaid terms. No costs.

Civil Application (CAW) No. 206/2022 is also disposed of.