

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

Writ Petition No. 500/2021

Govinda s/o Digambar Gohane and 147 others

..VS..

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

WITH

Writ Petition No. 2749/2021

Akhil Bharatiya Prathamik Shikshak Sangh, Chandrapur, Through its Secretary, Anil Rishi Awsare and 312 others

..VS..

The State of Maharashtra through its Secretary, Department of Rural Development and Water Conservation 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

WP Nos. 500/2021 & 2749/2021

Shri P.S. Kshirsagar, Advocate for the petitioners

Miss. Nivedita P. Mehta, AGP for respondent nos. 1 and 2/State

Shri M. M. Sudame, Advocate for respondent no. 3

CORAM : A. S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 20/01/2022

RULE. Rule made returnable forthwith and heard finally by consent of both the learned Counsel appearing for the parties.

2] The petitioners who are Assistant Teachers are employed with Zilla Parishad, Chandrapur. According to them, for some period of time they discharged their duties either in tribal or naxal areas of Chandrapur district. Hence, they claimed additional allowances in terms of Government Resolution dated 06.08.2002.

On behalf of the petitioners it is submitted that this Court in similar situation had directed the concerned Zilla Parishads to release the special promotional pay scale as per Government Resolution dated 06.08.2002 on being satisfied that the respective petitioners satisfied the criteria in that regard. Reference is made to the orders passed in Writ Petition Nos. 3699 of 2016 and 4317 of 2016 in that regard. In addition, the communication dated 17.06.2020 issued to all the Divisional Commissioners, have also been referred to. Similarly, since some of the petitioners are serving in the Additional Tribal Sub Plan Area, it is stated that they are also entitled to the special promotional pay scale as per the Government decision dated 09.03.1990.

3] According to the learned Counsel for the Zilla Parishad, it would have to be verified as to whether the petitioners satisfy the criteria of service in naxal/tribal areas including Additional Tribal Sub Plan Area in the district of Chandrapur. Learned Counsel does not dispute the fact that this Court in somewhat similar circumstances has extended the special promotional pay scale under the Government Resolution dated 06.08.2002 to the petitioners in those cases. Accordingly, by following the orders passed in the earlier Writ Petitions as mentioned above, the respondent no.3-Zilla Parishad is directed to verify the services of all the petitioners of having being discharged in naxal/tribal areas including the Additional Tribal Sub Plan Area in the district of Chandrapur. On such verification, the special promotional pay scale under the Government Resolution dated 06.08.2002 be released in their favour. The entire exercise shall be completed within a period

of three months from today.

4] With these directions the Writ Petition is disposed of. Rule is made absolute in aforesaid terms. No order as to costs.

JUDGE

JUDGE

SANDIP
MAHADEV
GATE

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