

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

WRIT PETITION NO.2168 OF 2022

**SUNIL ABHIMAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

AND

WRIT PETITION NO.3224 OF 2022

**ATMARAM KASHIRAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

AND

WRIT PETITION NO.3235 OF 2022

**SURSING TOTARAM PAWARA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioners : Shri Murge Estling S.
AGP for Respondents 1 to 5/State : Shri S.G. Sangle
Advocate for Respondents 6 to 8 : Shri Nilesh N. Desale

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 18th January, 2023

Per Court :-

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

“B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, to direct the Respondent No. 6 to 9 to grant the benefit of Ekstar (One step pay scale) under G.R.dt.06/08/2002 to the petitioners from the date of Appointment in tribal/PESA area.

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the Respondents No. 6 to 9 to pay the salaries with arrears to the petitioners as per the Ekstar (One step Pay Scale) from the respective dates of appointments in tribal area in view of G.R. dt. 06/08/2002.

D) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, Direct the Respondents to fix pay scale as per the clause-6 of G.R.dt. 14/05/2019 and also directed accept the option form to apply the time bound promotion scale at appropriate time as per G.R. dt.14.05.2019 for that purpose issue necessary order.”

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 these petitions.

3. The learned advocate for the Zilla Parishad submits, on the basis of the communication received by the Chief Executive Officer, Zilla Parishad, Dhule, dated 16.11.2022 from the Under Secretary, Rural Development Department, State of Maharashtra, that those candidates, who get placement or

benefits of ACPS, cannot be granted the benefit of “*Ek Sthar*” (one step) pay scale. The logic is that the ACPS benefit is given on account of the stagnation in promotion and placement.

4. The learned advocate for the petitioners submits that one step pay scale is available for the employees, working in the PESA areas and this is unconnected with the ACPS.

5. 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.

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

7. In view of the above, these 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 09/02/2023.

(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.

(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 15.03.2023, 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.