

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

WRIT PETITION NO. 4412 OF 2023

Natthu s/o Bhaidas Bagul

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. I. D. Maniyar h/f Mr. V. S. Panpatte – Advocate for the petitioner

Mr. S. P. Tiwari – AGP for respondent/State

Mr. G. D. Jain – Advocate for respondent no. 2

.....

AND

WRIT PETITION NO. 4418 OF 2023

Devidas s/o Gala Rathod

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. I. D. Maniyar h/f Mr. V. S. Panpatte – Advocate for the petitioner

Mr. S. P. Tiwari – AGP for respondent/State

Mr. G. D. Jain – Advocate for respondent no. 2

.....

CORAM : RAVINDRA V. GHUGE

AND

SANJAY A. DESHMUKH, JJ.

DATED : 24th APRIL 2023

PER COURT : -

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

“B] By issuing appropriate writ, orders or directions in the nature of writ of mandamus or any other appropriate writ, the respondent no. 2 may kindly be directed to grant the benefits one step pay

Scale (EKSTAR) and release the difference and consequential benefits as per 7th pay scale to the petitioner forthwith.

C] Pending hearing and final disposal of this writ petition, the respondent no. 2 may kindly be directed to deposit the amount of one step pay Scale (EKSTAR) and the difference and consequential benefits as per 7th pay scale to the petitioner.

2. We have considered the submissions of the learned Advocates for the respective sides and 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) Both these petitioners have retired from service and there is no action of recovery initiated against them. Hence, there shall be no order as regards any recovery of amount.
- (ii) The Deputy Chief Executive Officer, Zilla Parishad, shall scrutinize the records of all these petitioners for verification of their claims, if such exercise is not already undertaken, within 30 days from today.
- (iii) After scrutiny, if the claim of these petitioners are found to be sustainable and their entitlement is established, the authorities would initiate the payment of one-step pay-scale by notionally adding them in the retiral benefits calculation, within 30 days from the date of verification.

- (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) Those petitioners, who suffer an adverse orders after the above stated exercise is completed, would be at liberty to assail the same by resorting to a statutory remedy as is permissible in law.

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE