

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

938 WRIT PETITION NO.6325 OF 2023

- 1) Sanjay s/o Madhukar Chaudhari
 - 2) Jitedra s/o Santosh Mali
 - 3) Rajendrasing s/o Ganpatsing Padavi
 - 4) Bhatu s/o Rajaram Mahale
 - 5) Arun s/o Pandurang Shirsat
 - 6) Shailesh s/o Shankar Patel
 - 7) Rajendra s/o Hiralal Patel
 - 8) Archana Maganlal Wagh
 - 9) Dnyaneshwar Hiraram Mali
 - 10) Nandu s/o Madhukar Sabale
 - 11) Jitendra s/o Shravan Gadilohar
 - 12) Manorama Madhusudan Potdar
 - 13) Archana Namdeo Chitte
 - 14) Vijay s/o Vasant Sonar
 - 15) Arvind s/o. Gokul Pawar
 - 16) Amol s/o Vijayrao Pawar
 - 17) Bharat s/o Supadu Ahire
 - 18) Rajesh s/o Nimba Bhavsar
 - 19) Jyoti Rajesh Bhavsar
 - 20) Subhash s/o Rupla Patil
 - 21) Pravin s/o Bhika Borse
 - 22) Yamuna Rayja Valvi
 - 23) Arun s/o Jaysing Padvi
 - 24) Raosaheb s/o. Asaram Chauhan
- ... **Petitioners**

VERSUS

- 1) The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya Mumbai-32.
- 2) The State of Maharashtra
Through its Secretary,
Finance Department,
Mantralaya, Mumbai-32.
- 3) The Commissioner Tribal Development
Department,
Adiwasi Vikas Bhavan, Old Bombay
Agra Road, Ground Floor, Gadkari

Chowk, Nashik.

- 4) The Additional Commissioner
Tribal Development Department
Nashik Division , Adiwasi Vikas
Bhawan, Old Bombay Agra Road,
Ground Floor, Gadkari Chowk,
Nashik.
 - 5) The Project Officer,
Integrated Tribal Development Project,
Nandurbar, Tq. & Dist. Nandurbar
 - 6) The Project Officer
Integrated Tribal Development Project,
Taloda, Tq. Taloda, Dist. Nandurbar
- ... Respondents.

...
Advocate for the Petitioners : Mr. Murge Estling S.
A.G.P. for the Respondents/State : Mr. A.S. Shinde

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 15.06.2023

PER COURT :

In this petition, the identically placed petitioners have put forth prayer clauses (B), (C) & (D), which read as under :-

“B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the Respondent No. 4 to give /re-grant the benefit of Ekstar (One step pay scale) under G.R.dt.06/08/2002 which was withdrawn by misinterpreting the provisions of G.R. dt. 06/08/2002 till they working PESA and direct the Respondent to pay the salary of the petitioners as per the Eksatr (One step pay scale) till the petitioners working in tribal/PESA.

C) By issuing writ of mandamus or any other

appropriate writ, order or direction in like nature, direct the Respondents No. 4 to pay the arrears of salaries of the petitioners as per the Ekstar (One step Pay Scale) from the respective dates of withdrawal of Ekastar and refund recovered amount to the petitioners and further directs not to revoke the benefits of Ekstar (One step Pay Scale) as per G.R. dt. 06/08/2002 though petitioner entitled for time bound promotion.

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 have perused the series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to the petition.

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

4. The learned advocates representing the respective parties 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 this case.

5. In view of the above, the Writ Petition is allowed in following terms :-

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

(ii) The Additional Commissioner, Tribal Development Department, Nashik - respondent No.4, 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.

(iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by respondent No.4 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, along with 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, respondent No.4, would issue notices to each of such petitioners, so as to enable them to appear before him and address.

(v) After such hearing, which shall be completed within four months from today, respondent No.4 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.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

mkd/-