

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

972 WRIT PETITION NO.8329 OF 2023

- 1) Sanjay Vishwanath Rane
- 2) Sharad Santosh Dasnur
- 3) Dadaji Sudam Narwade
- 4) Archana Nandkishore Mahale
- 5) Chaya Adhar Ghanwat
- 6) Sharad Pundalik Shivde
- 7) Ratnakar Bhika Masule
- 8) Ramsing Vijaysing Thoke
- 9) Govind Bhausahab Desale
- 10) Pradeep Dattatraya Borse
- 11) Sandeepsingh Ramesh Pawar
- 12) Walmik Devidas Halwar
- 13) Sagar Bhimrao Deshmukh
- 14) Rahul Jagannath Nandre
- 15) Nita Keshavsing Mahale
- 16) Vijay Walmik Karhe
- 17) Bharti Kadu Aher
- 18) Pradeep Walu Kale
- 19) Sandeep Subhas Ghuge
- 20) Pratibha Sarang Mahale
- 21) Vaishali Sitaram Bhoje
- 22) Dipakkumar Laxman Patil
- 23) Himmat Mahadeo Raut
- 24) Manjusha Yeshwant Pagar
- 25) Taty Baban Ahere
- 26) Sadhana Sachin Jadhav
- 27) Vishnu Shankar Lahare
- 28) Dnyaneshwar Rajaram Velis
- 29) Dinkar Namdeo Pawar
- 30) Asha Gorakh Chavan
- 31) Gopal Narayan Raut
- 32) Rambhau Baburao Nikam
- 33) Walchand Raghunath Valgade
- 34) Jijabai Pandu Pakhane
- 35) Megha Shankar Mahale
- 36) Dinesh Sheshrao Pawar
- 37) Pushpa Chaudhari
- 38) Pandharinath Vitthal Chaudhari
- 39) Dadaji Baburao Pawar
- 40) Subhas Ramchandra Khambait

- 41) Dnyaneshwar Shriram Chavan
- 42) Kashiram Dhawalu Pawar
- 43) Parashram Rajaram Wadekar
- 44) Balu Kashiram Dhum
- 45) Hiranman Gangaram Wadu
- 46) Ratan Ramdas Gavit
- 47) Balu Jairam Wadekar
- 48) Dhanraj Narayan Chaudhari
- 49) Hanumant Deoram Khavale
- 50) Hiranman Dada Gavit
- 51) Kashinath Madhu Mahale
- 52) Prakash Soma Gavit
- 53) Ishwarlal Ramlal Nerkar
- 54) Laxman Vishram Ahire
- 55) Kautik Govinda Savkar
- 56) Jaishree Shankar Chaudhari
- 57) Mahesh Shriram Gurav
- 58) Ravindra Uttam Hujare
- 59) Sakharan Mahadu Thakare
- 60) Manisha Madhavrao Pawar
- 61) Nivarutti Ananda Nikam
- 62) Lalita Vikram Bachhav
- 63) Sharad Kautik Pawar
- 64) Bhausahab Keda Jadhav
- 65) Sitaram Mahadu Nikam
- 66) Yunus Gulab Shaikh
- 67) Lalchand Pawba Sable
- 68) Ratnakar Gavit,
- 69) Pradhan Bajirao Daure
- 70) Vijaya Guljarilal Jople
- 71) Rambhau Vishwanath Bagul
- 72) Shrikant Nanaji Devare
- 73) Jayesh Shyamlal Rohidas
- 74) Sahebrao Dhawalu Borse
- 75) Subhash Narayan Dongre
- 76) Eknath Amrut Bendkoli
- 77) Shobhabai Vishwnath Pawar
- 78) Sanjay Ramesh Patil
- 79) Nandlal Tulshiram Shinde

... PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Secretary,
General Administration Department ,

Mantralaya, Mumbai-32.

2. The Secretary,
Tribal Development Department ,
Mantralaya, Mumbai-32.

3. The Tribal Commissioner,
Tribal Development Nashik, Dist: Nashik

4. The Additional Tribal Commissioner,
Tribal Development Nashik, Div. Nashik

...RESPONDENTS

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

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 14.07.2023

PER COURT :

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

“B) This Honorable court, by issuing appropriate writ, order or directions, in the like nature, direct the respondent No. 4 to regrant and continue to pay one step pay scale (Ekstar) to the petitioners, though petitioners entitled for time bound promotion till petitioners works in Tribal/PESA area, as per G.R. dated 06.08.2002 and as per honorable High Court judgment dated 14.07.2021 in W.P. St.No. 9543/2021.

C) This Honorable Court, by issuing appropriate writ, order or directions, in the like nature, kindly quash and set aside, impugned action of respondents thereby directing to withdraw one step pay scale and recovery of alleged excess

salary amount paid to the petitioners, as per orders annexed at Exh-D in view of the judgment of the honorable Apex Court in case of the State of Punjab and others Vs. Rafique Masia (white washer) and others reported in 2015(4) SCC 334, as petitioners are class-3 employee.

D) This Honourable Court, by issuing appropriate writ, direct the respondents to fix the pay scale, as per Para-6 of G.R. dated 14.05.2019 and directed to be paid the salaries petitioners as per one step pay scale or pay scale which is more benefited to the petitioners and also directed to make available the option to apply the time bound promotion scale at appropriate time as per GR dated 14.05.2019.”

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.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-