

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

WRIT PETITION NO.8701 OF 2023

1. Kanake Gopal Ramdas
2. Sunkalwad Krushnkant Laxman
3. Gedam Nirmala Laxmanrao
4. Kondapalkulwar Sachin Subhashrao
5. Kumre Umatai Dharmaji
6. Deotale Mangla Chakradhar
7. Guhade Prakash Khandu
8. Choupade Fattusing Mangalsing
9. Bhalerao Rekhatai Ramrao
10. Yelmewad Lalita Hanmatrao
11. Kendre Shyamsundar Ramrao
12. Borkar Laxman Devrao
13. Jadhav Uttam Tukaram
14. Bade Nivrutti Kerba
15. Wakode Rashtrapal Pundlik
16. Myakalwar Umakant Malyya
17. Alewar Mukta Panpatrao
18. Bhandarwar Archana Kashinath
19. Rathod Ganesh Mersing
20. Petkule Datta Shamrao
21. Narpadwar Mina Devrao.
22. Taru Vijaya Digambar
23. Shelke Madhav Yogaji
24. Dawre Yuvraj Nivrutti
25. Bhurke Dhondba Hausaji
26. Barge Anita Maroti
27. Satpute Pandurang Datta
28. Devkate Bharti Dhondu

29. Deshettiwar Sangita Rajreddy
30. Patil Trishala Gorakhnath
31. Petkule Santosh Shesharao
32. Jadhav Datta Bandu
33. Rathod Shankar Dhondiba
34. Daware Namdev Vitthalrao
35. Itkepelliwar Al Ramrao
36. Nemmaniwar Rameshwari Wamanrao
37. Laad Vijayalaxmi Narayan
38. Jaybhaye Shantaram Shrirang
39. Madavi Chintamani Madhav
40. Barge Kevlabai Maroti
41. Kale Tukaram Parasram
42. Chvhan Uttam Baba
43. Kharode Kerba Punjaji
44. Pawar Namdev Kishan
45. Munde Yuvraj Madhavrao
46. Dahiphale Sudhakar Namdev
47. Nalamwar Satish Vijay
48. Mode Vaijnath Nivruttirao
49. Gothi Premsing Govardhan
50. Muneshwar Bhimrao Pandhari
51. Muneshwar Suresh Pandhari
52. Wairagade Vinay Parasram
53. Chandane Babu Gangaram
54. Nemmaniwar Rani Mohanrao
55. Jogdand Sunanda Keshavrao
56. Shende Sagar Nagorao
57. Bharne Sudhakar Ganpatrao
58. Mundkar Babu Dadarao
59. Rathod Ramrao Sakru

60. Cherale Balaji Digambar
61. Sangavikar Dhanrekha Nagorao
62. Kurundkar Sharad Sakharam
63. Selukar Shalini Vitthalrao
64. Mundkar Madhav Dhondiba
65. Gurnule Vinod Kishanrao
66. Khupse Ramesh Kashinath
67. Rathod Ashok Mangilal
68. Karad Vishnu Namdevrao
69. Bhaware Anil Sadashiv

... PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Secretary
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
3. The Secretary,
General Administration Department,
Mantralaya, Mumbai-32.
4. The Secretary,
Finance Department,
Mantralaya, Mumbai-32.
5. The Divisional Commissioner,
Aurangabad Division Aurangabad
6. The Chief Executive Officer
Zilla Parishad, Nanded.
7. The Education Officer (Pri),
Zilla Parishad, Nanded.
8. The Block Development Officer,
Panchayat Samiti Kinwat,
Dist.Nanded

... RESPONDENTS

...
 Advocate for Petitioner : Mr. Balaji S. Shinde
 AGP for Respondent Nos.1 to 5 : Mr. P.S. Patil
 Advocate for respondent Nos.6 to 8 : Ms. Yogita Thorat

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

DATE : 20.07.2023

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 respondents 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 arrears of salary as per one step pay scale, 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, 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 made available the option to apply the time bound promotion scale at appropriate time as per GR dated 14.05.2019

D) Pending hearing and final disposal of petition, this Honorable court, by issuing appropriate writ, order or directions, in the like nature kindly direct the respondents to pay the salaries of petitioners as per Ekstar (One-step pay scale).”

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. We do not find any such circumstances, which would convince us to take a different view.

4. The learned advocates representing the respective parties clearly state 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 these cases.

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

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) The Block Development Officer, Panchayat Samiti Kinwat, Dist. Nanded - respondent No.8, shall scrutinize the records of all these petitioners and the places, at which they are deployed for performing their duties, within a period of eight (8) weeks.
- (iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by respondent No.8 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.8, would issue notices to each of such petitioners, so as to enable them to appear and address him.
- (v) After such hearing, which shall be completed within four months from today, respondent No.8 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.)