

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

959 WRIT PETITION NO. 9477 OF 2023

**RAMESH BHANUDAS ANDHALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. S.R. Bagal
h/f. Mr. Gadegaonkar Bharat N.

AGP for Respondent Nos. 1 to 5 : Mr. A.A. Jagatkar
Advocate for Respondent Nos. 6 to 8 : Mr. S.B. Pulkundwar

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

DATE : 02 AUGUST 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.]

spc/