



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9959 OF 2023

MILIND SUBHASH VASAVE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Shri V.P. Latange, Advocate i/by Shri Shinde Ravindra S.,
Advocate for the Petitioners.

Shri S.K. Tambe, AGP for Respondents 1 to 5/State.

Shri N.N. Desale, Advocate for Respondents 6 to 8/ZP.

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 11th December, 2023

Per Court :-

1. All these Petitioners are identically placed and have
put forth prayer clauses B and C as under:-

"B) *By way of issuing appropriate writ, order or directions in like nature, this Hon'ble Court may please to direct the Respondent No.6 to 8 to continue the payment of the benefit of one-step higher pay scale (Ekstar) as per G.R. dated 06.08.2002 (which has been discontinued by misinterpreting the G.R. dated 06.08.2002 after pay fixation) till they are working in Tribal area and for that purpose issue necessary order.*

C) *By way of issuing appropriate writ, order or directions in like nature, this Hon'ble Court*

may please to direct the Respondent No.6 to 8 to pay the benefit of one-step higher pay scale (Ekstar) as per G.R. dated 06.08.2002 along with arrears since their revocation to the Petitioners and for that purpose issue necessary order."

2. We have considered the submissions of the learned Advocates for the respective sides and we 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 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.

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

(i) The Chief Executive Officer of Zilla Parishad 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 from today.

(ii) Those cases which are without any legal impediment after verification, shall be cleared by the Zilla Parishad 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 to them along with their arrears as well as their current salaries within a period of four weeks thereafter.

(iii) 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.

(iv) After such hearing, which shall be completed on or before 11.02.2024, the CEO, Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(v) 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.