

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

1] WRIT PETITION NO. 12201 OF 2023

Pandurang s/o Yashwant Landge & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

AND

2] WRIT PETITION NO. 12192 OF 2023

Smt. Chandrakala w/o Pitambar Devare & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

AND

3] WRIT PETITION NO. 13163 OF 2023

Vinayak s/o Ganpat Phatangare & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

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In all matters :

Mr. R. D. Bhalerao – Advocate for the petitioners

Mr. P. S. Patil – AGP for respondent/State

.....

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATED : 18th OCTOBER, 2023

PER COURT : -

1. Writ Petitions No. 12192 of 2023 and 13163 of 2023 are not on board. Taken on board at the request of learned counsel for the petitioners.

2. In all these petitions, the identically placed petitioners have put forth identical prayer clauses (B) and (C), which read as under :-

B] Record and proceedings of the impugned service grievance in question under challenge in this Writ Petition may kindly be called for in order to examine its legality, validity and propriety.

C] This Hon'ble Court, by issuing appropriate writ, order or directions, in the like nature, direct the respondents 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 Government Resolution dtd. 6-8-2002 and as per Hon'ble High Court judgment dtd. 14-7-2021 in Writ Petition St. No. 9543/2021.

3. 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 petitions.

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

5. 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.

6. In view of the above, **these three petitions are allowed in the following terms :-**

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) The Deputy 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 31 days i.e. on or before 18/11/2023.
- (iii) 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 alongwith 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, 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.

- (v) After such hearing, which shall be completed on or before 17/12/2023, the Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale only 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.

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE