

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

906 WRIT PETITION NO.12531 OF 2022

**BHALCHANDRA SHIVAJI PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

907 WRIT PETITION NO.12629 OF 2022

**MUKESH BANSILAL PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

908 WRIT PETITION NO.12633 OF 2022

**SUNIL NIMBAJI PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

AND

909 WRIT PETITION NO.12644 OF 2022

**VIKAS NAMDEO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Advocate for the Petitioners : Shri Sandesh R. Patil
AGPs for the Respondents/State : Shri S.G. Karlekar, Shri V.M.
Kagne, Shri S.K. Tambe and Shri P.S.Patil

...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 20th April, 2023

Per Court :-

1. In these Writ Petitions, the identically placed Petitioners have put forth prayer clauses (B) and (C), which read as under:-

“B) *To order/direct the Respondent Nos. 1 to 4 to give benefit of Ekstar (One step pay scale) as per G.R. dated 6.8.2002 with the existing pay scale to the Petitioners from the date of discontinuation/withdrawal and to pay the Petitioners arrears of salary accordingly in Ekstar (One step pay scale) with interest and for that purpose issue Writ of Mandamus or order nature; or direction in the like*

C) *To order/direct the Respondent Nos. 1 to 4 to give and continue the benefit of Ekstar (One step pay scale) as per G.R. dated 6.8.2002 with the existing or applicable higher pay scale to the Petitioners and for that purpose issue Writ of Mandamus or order or direction in the like nature;”*

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 in those cases, (orders which have been annexed to the petition), 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, **these Writ Petitions are allowed** in the following terms :-

(i) The impugned action of recovery/ stoppage of One Step Pay Scale initiated by the respondents is quashed and set aside.

(ii) The Additional Commissioner, Tribal Development Department, Nashik, Respondent No.3, 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.3 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, 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, Respondent No.3, would issue notices to each of such Petitioners, so as to enable them to appear before the said authority and address Respondent no.3.

(v) After such hearing, which shall be completed within four months from today, Respondent No.3 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.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)