

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

WRIT PETITION NO.1294 OF 2023

**SANJAYKUMAR KISANRAO SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Advocate for the Petitioners : Shri Kanawade Ajay T.
AGP for the Respondents/State : Shri P.S.Patil

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

DATE :- 06th February, 2023

Per Court :-

1. In this petition, the identically placed petitioners have put forth prayer clauses B, C and D, which read as under :-

“B. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents not to revoke the benefits of the G. R. dated 06.08.2002 though petitioners entitled for time bound promotion and direct the respondents to pay the salaries of the petitioners as per One Step pay scale till petitioners works in the Tribal/PESA area as per G.R. dated 06.08.2002.

C. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents to fix the pay scale as per Clause 6 (A) of GR 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 as per GR dated 14.05.2019 and also directed to made available the option to apply the time bound promotion scale at appropriate time.

D. Pending the hearing and final disposal of this petition, grant stay to the further recovery of salary from petitioners and direct the respondents to pay monthly salary as per present one step pay scale to petitioners.”

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 this petition.

3. The learned AGP submits that those candidates, who get placement or benefits of ACPS, cannot be granted the benefit of “*Ek Sthar*” (one step) pay scale. The logic is that the ACPS benefit is given on account of the stagnation in promotion and placement.

4. The learned advocate for the petitioners submits that one step pay scale is available for the employees, working in the PESA areas and this is unconnected with the ACPS.

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, we do not find circumstances, which would convince us to take a different view.

7. 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) Respondent No.4 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 i.e. on or before 27.02.2023.

(iii) Those cases which are without any legal impediment, after verification, shall be cleared by Respondent No.4 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 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.4 would issue notices to each of such petitioners, so as to enable them to appear before the said authority and address Respondent No.4.

(v) After such hearing, which shall be completed on or before 15.04.2023, Respondent No.4 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.

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(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)