

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14114 OF 2023

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

....
Mr. Ameya N. Sabnis, Advocate for Petitioner
Mr. A. V. Deshmukh, AGP for Respondent – State
....

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

DATE : 07.11.2023

PER COURT :-

1. Respondent No.6 is a formal party. The learned AGP appears on behalf of Respondent Nos. 1 to 5.

2. The Petitioner has put forth prayer clauses (A) and (B), as under:-

*“(A) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the Respondent No.4 to give/re-grant the benefit of **Ekstar (One step pay scale)** under G.R. dt. 06/08/2002 which was withdrawn in the year for 2021 by misinterpreting the provisions of G.R.*

dt. 06/08/2002 and direct the Respondents to pay the salary of the petitioner as per the Ekstar (One step pay scale) till the petitioner is working in tribal/PESA.

(B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the Hon'ble High Court may be pleased to direct the Respondents No.4 to pay the arrears of salary of the petitioner as per the Ekstar (One step Pay Scale) from the date of withdrawal of Ekastar (One Step Pay Scale) and issue appropriate orders for the said purpose."

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 of 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 Additional Commissioner, Tribal Development Department, Nashik, Respondent No.4, shall scrutinize the record of the Petitioner and the place, at which he is deployed for performing his duties, within a period of 30 days.

(ii) Those cases, which do not suffer from 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, along with their arrears, as well as their current salaries, within a period of four weeks thereafter.

(iii) After scrutiny, if any of the Petitioner, on the basis of his record, is found to be ineligible, Respondent No.4, would issue notice to the Petitioner, so as to enable him to appear before the said authority and address Respondent No.4.

(iv) After such hearing, which shall be completed within four months from today, Respondent No.4 shall pass appropriate order and grant benefits of one step pay scale to the Petitioner, if found to be eligible.

(v) If the Petitioner suffers an adverse order after the above stated exercise is completed, he would be at liberty to avail of a statutory remedy, as is permissible in law.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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