

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13629 OF 2023

SUBHASH SHANKAR CHASKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

....

Mr. E. S. Murge, Advocate for Petitioners
Mr. S. K. Tambe, AGP for Respondent – State

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

DATE : 31.10.2023.

PER COURT :-

1. The Petitioners have put forth prayer clauses (B), (C), (D) and (E) as under:-

*“B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the Respondent No. 6 to give/re-grant the benefit of **Ekstar (One step pay scale)** under G.R.dt.06/08/2002 which was withdrawn in the year for 2019 by misinterpreting the provisions of G.R. dt. 06/08/2002 till they working PESA and direct the Respondent to pay the salary of the petitioners as per the Eksatr (One step pay scale) till the petitioners working in tribal/PESA.*

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the Respondents No. 6 to pay the arrears of salaries of the petitioners as per the Ekstar (One step Pay Scale) from the respective dates of withdrawal of Ekstar and refund recovered amount to the petitioners and further directs not to revoke the benefits of Ekstar (One step Pay Scale) as per G.R. dt. 06/08/2002 though petitioners entitled for time bound promotion.

D) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, Direct the Respondents to fix pay scale as per the clause-6 of G.R.dt. 14/05/2019 and also directed accept the option form to apply the time bound promotion scale at appropriate time as per G.R.dt. 14/05/2019 for that purpose issue necessary order.

E) Pending hearing and final disposal of this writ petition to direct the respondents to pay Monthly salary to the petitioners as per the Ekstar(One step Pay Scale) & for that purpose issue necessary order.”

2. We have considered the submissions of the learned Advocate for the petitioners and the learned A.G.P. for the State Authorities. We have perused series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to the petition.

3. 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.

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

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

(i) The impugned action of recovery initiated by the respondents is quashed and set aside.

(ii) The Education Officer (Secondary) of the 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.

(iii) Those cases which are without any legal impediment after verification, shall be cleared by the Education Officer and the salary benefits, to which the petitioners 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 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 Education 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 Education Officer.

(v) After such hearing, which shall be completed within ninety [90] days, the Zilla Parishad 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.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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