

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13682 OF 2023

MAHENDRA REMTA VALVI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

...

Advocate for the Petitioners : Shri Shinde Balaji S.
AGP for Respondents 1 to 5/State : Shri P.S. Patil

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

DATE :- 01st November, 2023

Per Court :-

1. The identically placed Petitioners have put forth prayer clauses (B) and (C), which read as under :-

“[B] This Honorable court, by issuing appropriate writ, order, directions in the like nature, may please to direct the respondents to pay the salaries of salaries and arrears of salaries of the petitioners as per Ekstar (One-step pay scale), till petitioners works in the Tribal/PESA area, as per as per judgment of this court order dated 14.07.2021 in W.P.st. no.9543/2021 and as per letter dated 01.02.2023 and 01.03.2023 issued by the respondent no.2/ and for that purpose issue necessary orders.

[C] This Honorable court, by issuing appropriate writ, direct the respondents to fix the pay scale, as per Para-6 of G.R. 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 and also

directed to made available the option to apply the time bound promotion scale at appropriate time as per G.R. dated 14.05.2019.”

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 the petitions.

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 (*Hiralal Jagannath Bawa and others vs. The State of Maharashtra and others*), 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 impugned action of recovery initiated by the Respondents is quashed and set aside.

(ii) Respondent No.4/ Additional Commissioner, Tribal Development, Nashik, 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 from today.

(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 to them along with 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 it.

(v) After such hearing, which shall be completed within 120 days, 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.