

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12779 OF 2023

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| 1. | Manohar Babulal Kadam | } |
| 2. | Kailash s/o Madhav Sonawane | } |
| 3. | Pushpa Dharma Ahirrao | } |
| 4. | Pandit s/o Nandulal Vaishanav | } |
| 5. | Janardan s/o Popat Kharole | } |
| 6. | Jibhau s/o Ramchandra Bhamre | } |
| 7. | Dattu s/o Yashwant Bagul | } |
| 8. | Manish Pandurang Ahire | } |
| 9. | Vandana Ramdas Deore | } |
| 10. | Sangita Waman Chaure | } |
| 11. | Shrawan s/o Karbhari Sonawane | } |
| 12. | Asha Dharma Ahirrao | } |
| 13. | Roshani Vanaji Sonawane | } |
| 14. | Swarna Laxman Ahire | } |
| 15. | Mangal Devidas Kumavat | } |
| 16. | Jibhau s/o Gokul Bhoje | } |
| 17. | Bhagwan s/o Nimba Aher | } |
| 18. | Yogesh s/o Hiranman Ahire | } |
| 19. | Suvarna Laxman Shirsat | } |
| 20. | Yogesh s/o Avaji Pawar | } |
| 21. | Punam Rama Thakare | } |
| 22. | Gorakh s/o Nimba Ahirrao | } |

Versus

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|----|--------------------------------|---|
| 1. | The State of Maharashtra | } |
| | Tribal Development Department, | } |
| | Mantralaya, Mumbai-32 | } |

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| 2. | The State of Maharashtra | } |
| | Finance Department, | } |
| | Mantralaya, Mumbai-32 | } |
| 3. | The Commissioner | } |
| | Adiwasi Vikas Bhawan, | } |
| | Old bombay-Agra Road, Ground Floor, | } |
| | Gadkari Chowk, Nashik. | } |
| 4. | The Additional Commissioner | } |
| | Tribal Development Department, | } |
| | Nashik Division, | } |
| | Adiwasi Vikas Bhawan, | } |
| | Old bombay-Agra Road, Ground Floor, | } |
| | Gadkari Chowk, Nashik. | } |
| 5. | The Project Officer | } |
| | Integrated Tribal Development Project | } |
| | Kalwan, Ta. Kalwan Dist. Nashik | } |

.. Respondents

...
 Mr. Chintamani K. Bhangoji for the Petitioners.
 Mr. V. M. Mali, AGP for the Respondent-State.

...

**CORAM : A.S. CHANDURKAR &
 FIRDOSH P. POONIWALLA, JJ**

DATE : 12TH DECEMBER, 2023.

ORAL JUDGMENT: (PER : A.S. CHANDURKAR, J)

1. Rule. Rule is made returnable forthwith. Heard learned counsel for the parties.

2. The learned Assistant Government Pleader waives notice for Respondents.

3. The Petitioners are members of the teaching as well as

non-teaching staff of various Schools that are located in Tribal areas. They seek benefit of the Government Resolution dated 06/08/2002 in the matter of grant of benefit of one step pay scale. It is their grievance that despite being entitled to such benefit, they have been deprived of the same. The benefits granted to them are also sought to be recovered by the Project Officer. In that regard, the Petitioners have made a representation to the Additional Commissioner, Tribal Welfare Department, Nashik.

4. We find that the issue as raised by the Petitioners has been considered by this Court in its various orders. It would thus be necessary for the Additional Commissioner to consider the Petitioners' representation and decide the same in accordance with law.

5. For the aforesaid reasons, the Writ Petition is disposed of by directing the Respondent No.4-Additional Commissioner Tribal Welfare Department, Nashik to consider the Petitioners' representation (Page No.66 of the Writ Petition) dated 27/03/2023 and take a decision thereon within a period of six weeks of receiving copy of this order. In case the Respondent No.4 seeks any clarification, the Petitioners shall provide

necessary details. The decision taken on the representation be communicated to the Petitioners. In case the decision of the Additional Commissioner is against the interest of the Petitioners, no coercive steps shall be taken against the Petitioners for the period of four weeks from communication of the orders. The Petitioners shall be paid their salary at the rate at which they were being paid prior to the order for recovery passed by the Project Officer.

6. Rule is disposed of in aforesaid terms with no order as to costs.

[FIRDOSH P. POONIWALLA, J] [A.S. CHANDURKAR, J.]