



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4209 OF 2022

The State of Maharashtra, through its Secretary, Forest Department, Mantralaya,
Mumbai and another .VS. Baban Dagduji Wagh and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Kalyani Deshpande, AGP for the petitioners
Mr R. D. Hajare, Advocate for respondent No.1

CORAM : SMT ANUJA PRABHUDESSAI AND
MRS VRUSHALI V. JOSHI, JJ.
DATE : DECEMBER 06, 2023.

Heard.

2. The petitioner- State has raised a challenge to order dated 22.03.2017 passed by the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur in Original Application No. 284 of 2010.

3. Respondent Nos.1 to 3 were working as 'Divisional Forest Officers' and were posted at Chandrapur and being a Naxalite affected area, in terms of Government Resolution dated 06.08.2022, they were entitled for a higher pay scale of the next promotional post and pay fixation in higher post. Accordingly, the petitioners were granted a higher pay scale

as per the said Government Resolution. Subsequently, on 03.07.2008, the Government issued a clarification and directed the authorities to reduce the pay scale of all the employees who were granted higher pay scale with further directions to recover the excess amount paid to them on the ground that the said pay scale was not applicable to Divisional Forest Officers belonging to State Forest Service on promotion.

4. Pursuant to the said clarification, the Desk Officer of the Department of the Government of Maharashtra issued a letter to the Principal Chief Conservator of Forests seeking reduction in pay scale of the respondent Nos.1 to 3. Aggrieved by the said letter, the respondent Nos.1 to 3 filed an application before the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur. By order dated 22.03.2017, the communications dated 04.03.2010 and 06.04.2010 were quashed and set aside and the petitioner-State was directed to pay the salary in accordance with the Government Resolution dated 06.08.2002 and pay to the respondent Nos. 1 to 3 the higher pay scale of the next promotional post i.e. in the pay scale of Rs.12,000-16,500/-.

5. It is not in dispute that the petitioner has not complied with the said order and that the respondent Nos. 1 to 3 have already filed a contempt petition. Learned counsel for the respondents states that the present petition is an offshoot of the contempt petition filed by the respondents.

6. It is pertinent to note that the petitioner has challenged the order passed by the Maharashtra Administrative Tribunal after a period of almost six years. No justifiable reasons are given for the delay in filing the petition. Considering the fact that the petitioner has approached this Court belatedly without any justification and in all probabilities only to circumvent the order dated 22.03.2017, we are not inclined to entertain this petition. Hence, the petition stands dismissed.

(VRUSHALI V. JOSHI, J.)

(ANUJA PRABHUDESSAI, J.)