

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

WRIT PETITION NO.5495 OF 2021

Rajesh Shankarrao Bommawar, Zilla Parishad Primary School, Punaguda, P.S. Etapalli, Dist.
Gadchiroli and ors.

-vs-

The State of Maharashtra, Thr. Secretary, Rural Development Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. S. Kshirsagar, Advocate for petitioners.
Shri A. A. Madiwale, Assistant Government Pleader for respondent
Nos.1 to 3.
Shri Sachin D. Zoting, Advocate for respondent Nos.4 to 6.

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI JJ.

DATE : April 12, 2023

P. C.

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The issue that arises for consideration is with regard to the entitlement of the petitioners to the benefit of one step promotional pay scale for the period when the petitioners were working in Naxalite and Tribal areas under Government Resolution dated 06/08/2002.

Similar matters raising this issue have been considered and decided earlier. In those orders, reference has been made to the order passed in Writ Petition (Stamp) No.9543/2021 (*Baban S. Chavan and ors. vs. State of Maharashtra and ors.*) at the Principal Seat. Paragraphs 8 and 9 of the said order dated 14/07/2021 read as under :

“8. *The Education Officer (Primary) Zilla Parishad shall decide the representation of the petitioners within six weeks from the date of first hearing. The order that would be passed by the Education Officer (Primary) Zilla Parishad shall be conveyed to the petitioners within two weeks from the date of*

passing such order. If the order that would be passed by the Education Officer (Primary) Zilla Parishad is adverse against the petitioners, no coercive steps would be taken against the petitioners for a period of four weeks from the date of communication of the order.

9. *The Education Officer (Primary) Zilla Parishad in the meanwhile shall continue to pay salaries of the petitioners (one step pay scale) at the rate at which they were being paid prior to the date of recovery of amount.”*

In view of aforesaid, by following a similar course, the Writ Petition is disposed of by passing the following directions :

- (i) Each petitioner is at liberty to make a representation to the Chief Executive Officer, Zilla Parishad, Gadchiroli against the alleged recovery of excess payment and for continuation of salary in terms of Government Resolution dated 06/08/2002.
- (ii) The Chief Executive Officer shall decide the representations made by the petitioners within a period of twelve weeks from the first date of proceedings and the order passed would be communicated to the petitioners.
- (iii) If any adverse order is passed by the Chief Executive Officer, no coercive steps for recovery of any excess payment shall be made for a period of four weeks from the date of communication of such order to the petitioners.
- (iv) Till the Chief Executive Officer takes a decision on the representations, the petitioners shall continue to receive salary at the same rate at which they were receiving the same prior to such recovery.

Order accordingly. No costs.