

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

WRIT PETITION NO. 5268/2021

(AMOL VISHNU BADNE & OTHERS **VERSUS** STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.S. Chakotkar, counsel for the petitioners.
Ms S.S. Jachak, Assistant Government Pleader for the R-1 to 4.
Smt.B.P. Maldhure, counsel for the R-5.

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

DATE : MARCH 14, 2023.

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

2. The petitioners are the teachers engaged with Zilla Parishad, Chandrapur. It is their case that they have rendered services in Naxalite and Tribal areas of the district. They claim entitlement to the benefit of the Government Resolution dated 06.08.2002. It is their case that their pay-scale is liable to be modified in the light of the aforesaid Government Resolution by giving them benefit of one step promotional pay. However, according to the petitioners by wrongly interpreting the said Government Resolution the Zilla Parishad is depriving the petitioners of such benefits.

3. It is seen that similar controversy was considered by this Court in various other decisions. We may refer to the order passed initially at the Principal Seat in a bunch of writ petitions bearing **Writ Petition Stamp No. 9543 of 2021** alongwith connected writ petitions [*Baban S. Chavan & Others Versus State of Maharashtra & Others*] decided on 14.07.2021. The directions issued therein have been subsequently followed in **Writ Petition No. 810 of 2021** [*Maharashtra Rajya Prathamik Shikshan Sangha, Branch Gondia & Others Versus The State of Maharashtra & Others*].

4. The learned counsel appearing for the respondent no.5-Zilla Parishad disputed the entitlement of the petitioners to the benefit of the Government Resolution dated 06.08.2002.

In the light of the directions proposed to be issued it would be open for the respondent no.5-Zilla Parishad to consider the entitlement of each petitioner to such benefits in accordance with law. Since the Chief Executive Officer is to decide the petitioners' entitlement, we refrain from going into these contentions at this stage.

5. In view of aforesaid and for the reasons contained in the order passed in the case of *Baban S. Chavan & Others* (supra), the following directions are being issued:-

- I. Each petitioner is at liberty to make a representation to the Chief Executive Officer of the respective Zilla Parishad against the alleged recovery of excess payment and for continuation of salary in terms of the Government Resolution dated 06.08.2002. Additional grievances, if any, can also be made part of such representation.
- 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 recovery, if any.

6. The writ petition is disposed of with aforesaid directions. Rule accordingly. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
by ROHIT DATTATRAYA
APTE
Signing Date: 15.03.2023 11:52