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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

38 WRIT PETITION NO. 2650 OF 2024

**HEMCHAND KAUTIK AHIRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

....
Mr S. B. Solanke, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 11th March, 2024

PER COURT:

1. The Petitioners have put forth prayer clauses (B), (C)
& (D), as under:-

“B) *By issuing a writ of Mandamus or any other writ, order or directions in the like nature, this Hon’ble Court may be pleased to direct the respondent no. 4 to accord the benefits of one step promotional pay scale (Ekstar) to the petitioners, under the Government Resolution dated 6.08.2002 from the date of their respective appointments, till they work in PESA/Tribal Area and for that purpose issue necessary orders;*

C) *By issuing a writ of Mandamus or any other writ, order or direction in the like nature, this Hon’ble Court may be pleased to direct the respondent no. 4 to pay the arrears of salary of the petitioners as per the one step promotional pay scale from the date of their appointments and for that purpose issue necessary orders;*

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D) Pending the hearing and final disposal of this Writ Petition, this Hon'ble Court may be pleased to direct the respondents to pay monthly salary to the petitioners by applying the one step promotional pay scale to the petitioners and for that purpose issue necessary orders;"

2. We have considered the submissions of the learned Advocates for the respective sides and have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to the Petition.

3. In view of the above, we do not find any such circumstances, which would convince us to take a different view. Moreover, the learned Advocate for the Petitioners places before us a Government Circular dated 29/02/2024, issued by the General Administration Department of the Government of Maharashtra, making it abundantly clear that the employees working in the PESA would be entitled not only for one step promotional benefits, but also for the Assured Career Progression Scheme (ACPS) benefits.

4. The learned Advocate representing the respective sides submits that, the order of this Court dated 21/12/2021, passed at the Principal Seat in Writ Petition No.8825/2021, would

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be applicable to this case with regard to one step promotion. We find it appropriate to record that, while doing so, the appropriate Authority would also have to consider the effect of the Government Circular dated 29/02/2024.

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) The Additional Commissioner, Tribal Development Department, Nashik, Respondent No.4, shall scrutinize the records of all these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days.

(iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by Respondent No.4 and the monetary benefits, to which they are entitled to, in the light of the one-step pay-scale made available to the employees for working in the Tribal and

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PESA areas, shall be paid, alongwith their arrears, 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 Respondent no.4.

(v) After such hearing, which shall be completed within four months from today, 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) In the above stated procedure and verification exercise as directed, the Additional Commissioner, Tribal Development Department Nashik would also scrutinize, as to whether the Petitioners working in the PESA are entitled to the benefits of the Government Circular dated 29/02/2024, and if they are found to be eligible, an order extending the benefits to them shall be passed.

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(vii) Those Petitioners, who suffer adverse orders after both the above stated exercises are completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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