



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8062 OF 2022

MAHENDRA SHRIRAM BORASE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. S.B. Narwade

...

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 9th January, 2024

PC. :-

1. In this Petition, the identically placed Petitioners have put forth prayer clauses [B], [BB], [C] and [D] which read as under:-

“B) To direct the Respondents to grant the benefit of ACPS Scheme after completion of twelve years continuous service without disturbing the benefits of Ek-Star Scale (One step promotional Scale) as per G.R. Dated 6.8.2002 in favour of Petitioners, since the Petitioners are still working in the Tribal Area, by issuing writ of mandamus or any other appropriate writ or direction as the case may be.

BB) The respondent authorities May kindly be directed not to revoke the Benefits of Ek-star (one-step Pay scale) which the Petitioner are receiving in view of G.R. dated 6th August 2002 till Petitioners work in the tribal / PESA area by issuing necessary writ or directions as the case may be.

C) The Respondents may kindly be directed to pay the arrears of salary of the Petitioners as per the ACPS scheme benefits from the date of ton applicability, if any, in favour of petitioners by issuing writ of mandamus or any other appropriate writ or direction as the case may be.

D) It may please be hold and declared that, as long as the Petitioners are working in Tribal area, the Petitioners are entitled for both the benefits i.e. benefit of ACPS scheme (after completion of 12 years continuous service) as well as One Step promotional Scale (i.e. benefits under G.R. Dated 6.8.2002) simultaneously, by issuing necessary writ or direction as the case may be.”

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.

4. The learned Advocates representing the respective parties in those cases, (orders which have been annexed to the petition), have clearly stated that the order passed by this Court at the Principal Seat, in Writ Petition No.8824/2021, dated 21/12/2021, is applicable to all such cases.

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) Respondent No.4 would also consider each case meticulously in the light of Clause 3 (7) of the GR dated 06.08.2002. Only on verification of each case, one step benefit would be granted, if found eligible.

(iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by Respondent No.4 and the salary benefits, to which these Petitioners are entitled to, in the light of the one-step pay- scale made available to the employees working in the Tribal and PESA areas, shall be paid, alongwith their arrears, as well as their current salaries, 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) Those Petitioners, who suffer adverse orders after the above stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]