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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7213 OF 2024
((Arunsingh Rupsing Kuvar Vs. The State of Maharashtra and Others)

Mr.B.S.Shinde, Advocate for the Petitioner.
Mr.B.M.Dhanure, AGP for the Respondent/State.
Mr.P.S.Patil, Advocate for Respondent Nos. 6 to 8.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 12, 2024

PER COURT :

1. The identically placed Petitioner has put forth prayer clauses (B) and (C), which read as under :-

*“[B] This Honorable court, by issuing appropriate writ, order, directions, may please to direct the respondent Nos. 6 to 8 to continue to pay salaries as per **Ekstar (One-step pay scale)** and arrears of salaries of the Petitioner as per Ekstar i.e. pay scale of Rs.41300/-) after completion of 10 years till they are working in Tribal Area / PESA as per judgment of this Court dated 14.07.2021 in W.P.St.No.9543/2021 in case of Baban Chavan and consequently quash and set aside, action of recovery of salary and action of withdrawal of Ekstar.*

[C] This Honourable Court, by issuing appropriate writ, order, directions, may please to direct respondents No.6 to 8 to fix the pay scale, as peer

Para-6-B of G.R. dated 14.05.2019 and directed to be paid the salaries petitioner as per one step pay scale **or** pay scale which is more benefited to the petitioner and also directed to make available option to apply the time bound promotion scale at appropriate time as per G.R. dated 14.05.2019.”

2. We have considered the submissions of the learned Advocates for the respective sides and we have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which has 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 (***Hiralal Jagannath Bawa and others vs. The State of Maharashtra and others***), 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.6/ C.E.O., Zilla Parishad, Nandurbar, 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 from today.

(iii) Those cases which are without any legal impediment after verification, shall be cleared by Respondent No.6 and the salary benefits, to which he is 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 to him along with arrears as well as his current salary, within a period of four weeks thereafter.

(iv) After scrutiny, if the Petitioner, on the basis of his record, is found to be ineligible, Respondent No.6, would issue notice to the Petitioner, so as to enable him to appear before the said authority and address it.

(v) After such hearing, which shall be completed within

120 days, Respondent No.6 shall pass an appropriate order and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(vi) The Petitioner, who may suffer an adverse order after the above stated exercise is completed, shall be at liberty to avail of a statutory remedy, as is permissible in law and in the light of the Government Resolution dated 29.02.2024 issued by the General Administration Department.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)