



(1)

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

912 WRIT PETITION NO. 7972 OF 2024

**YOGESHWARANAND PRALHAD GIRI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 7973 OF 2024**

**RAMDAS KHANDU SONAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

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Mr Balaji S. Shinde, Advocate for Petitioners in both Petitions
Ms Neha Kamble, A.G.P. for Respondent Nos.1 to 5 in both
Petitions
Mr P. S. Patil, Advocate for Respondent Nos.6 to 8 in both
Petitions

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 30th July, 2024

PER COURT:

1. These identically placed Petitioners have put forth
identical 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

(2)

*as per **Ekstar (One-step pay scale)** and arrears of salaries of the Petitioners as per Ekstar after completion of 10 years till they are working in Tribal Area / PESA as per **judgment of this Court** 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 per **PARA-6-A** 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 and also directed to made available option at appropriate time”*

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 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 (**Hiralal**

(3)

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, **these Writ Petitions are allowed** in the following terms :-

(i) The impugned action of recovery initiated by the Respondents, is quashed and set aside.

(ii) Respondent No.6/ Chief Executive Officer, Zilla Parishad, Nandurbar, shall scrutinize the records of these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days from today, considering the Government Resolution dated 29/02/2024.

(iii) The cases which are without any legal impediment after verification, shall be cleared by Respondent No.6 and the salary benefits, to which the 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 to them along with arrears as well as their current salary, within a period of 30 days, thereafter.

(4)

(iv) After scrutiny, if the Petitioners, on the basis of their record, are found to be ineligible, Respondent No.6, would issue notice to the Petitioners, so as to enable them 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 Petitioners, 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.)

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