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

911 WRIT PETITION NO. 8664 OF 2024

VIJAYSING SOMA BHIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

912 WRIT PETITION NO. 8665 OF 2024

PANKAJ KANTILAL SHENDE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

913 WRIT PETITION NO. 8666 OF 2024

RANJITSING KHALYA PADAVI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

....

Ms Megha Y. Mali, Advocate for Petitioners in all Petitions
Mr P. K. Lakhotiya, Mr P. P. Dawalkar and Mr B. B. Bhise,
A.G.Ps. for Respondents/State in respective Petitions

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 16th August, 2024

PER COURT:

1. In all these Petitions, the Petitioners have put forth identical prayer clauses (B) and (C). Prayer Clauses (B) and (C)

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in first Writ Petition i.e. Writ Petition No.8664/2024, read as under :-

"B. The resp. authority may kindly be direct to give/release the benefits of Ekstar (one step pay scale) from the initial date of appointment as per G.R. dated 06.08.2002 as they are working in Tribal/PESA/difficult area & direct the respondents to pay the salary of the petitioners as per the Ekstar (one step pay scale) till the petitioners working in Tribal/PESA/difficult area. By issuing writ of mandamus or any other appropriate writ, order or direction as the case may be.

C. The Respondent authority may kindly be direct to pay arrears of salaries of the petitioners as per the Ekstar (one step pay scale) from the initial dates of appointment as they are working in Tribal Area from their appointment till today as per G.R. dated 06.08.2022 issued by the Resp. No.1 & further directs not to revoke the benefits of Ekstar (one step pay scale) as per GR dated 06.08.2022 though petitioner entitled for time bound promotion."

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned A.G.Ps. for the State Authorities. We have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to these Petitions.

3. The learned Advocate for the Petitioners submits that the orders annexed to these Writ Petitions are applicable to the

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present cases. The order passed at the Principal Seat of this Court, dated 21/12/2021 in Writ Petition No.8824/2021, is also applicable to this case. All the A.G.Ps. submit that, 12 years of service, which is reckoned for granting A.C.P.S. benefits, cannot overlap with the working in the PESA areas. According to them, once a candidate gets the benefits of the A.C.P.S. in the form of additional increment, after 12 years, if he/she is in PESA, he/she would be entitled for one single increment as long as the candidate is serving in the PESA.

4. In view of the above, **all these Writ Petitions are allowed** in the following terms :-

(i) The Education Officer of the Zilla Parishad 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.

(ii) Those cases, which are without any legal impediment after verification, shall be cleared by the Education Officer and the salary benefits, to which the Petitioners are entitled to, in the light of the one-step pay-scale, made available to

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the employees working in the Tribal and PESA areas, shall be paid along with arrears as well as their current salaries, within a period of 45 days thereafter.

(iii) After scrutiny, if any of these Petitioners, on the basis of their records, are found to be ineligible, the Education Officer, Zilla Parishad, would issue notices to each of such Petitioners, so as to enable them to appear before the said authority and address the Education Officer.

(iv) After such hearing, which shall be completed within 90 days, the Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(v) 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.

5. We make it clear that, if the Model Code of Conduct is introduced, that would not be an impediment for the compliance of this order.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)