



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 8952 OF 2024

NILESH PANDIT KHAIRNAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Balaji S. Shinde, Advocate for the Petitioners  
Ms Neha Kamble, AGP for the Respondent – State

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

DATE : 21.08.2024

PER COURT :-

1. The Petitioners have put forth prayer clauses [B] and [C], as under:-

*“[B] This Honorable court, by issuing writ of mandamus or appropriate writ, order, directions in the like nature, kindly direct the respondents, to grant the benefit of promotional scale/One-step pay scale (Ekstar) from the date of posting in tribal area till the petitioners working in the Tribal/PESA, as per G.R. dated 06.08.2002 and G.R. dated 29.02.2024 and as per judgments of this court, and also directed to pay arrears of salaries on the basis of One-step pay scale till date.*

*[C] This Honorable court, by issuing appropriate writ, order, directions in the like nature, kindly hold and declare that the petitioners are entitled for One-step pay scale (Ekstar) still they are working in Tribal/PESA area, as per*

*G.R. dated 06.08.2002 and G.R. dated 29.02.2024 and consequentially set aside G.R. dtd 14.08.2008, to the extent of restricting and refusing the benefits of one step pay scale to as it is discriminatory and against the G.R. dated 06.08.2002 and G.R. dated 29.02.2024.”*

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 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.4 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.4 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.
- (iv) After scrutiny, if the Petitioners, on the basis of their record, are found to be ineligible, Respondent No.4, 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.4 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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