



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

910 WRIT PETITION NO. 10930 OF 2024

GANESH GANGADHAR SHIMPI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

912 WRIT PETITION NO. 10936 OF 2024

SURESH VITTHAL PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

913 WRIT PETITION NO. 10941 OF 2024

SURESH DATTATRAY GHARATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

915 WRIT PETITION NO. 10949 OF 2024

DAKSHA ARUN KADAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

916 WRIT PETITION NO. 10950 OF 2024

RAVINDRA SADASHIV WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

917 WRIT PETITION NO. 10951 OF 2024

PRADIP MANOHAR KASAR AND OTHERS

VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
918 WRIT PETITION NO. 10953 OF 2024

UMESH BHARAT PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
919 WRIT PETITION NO. 10954 OF 2024

YOHAN SAKHARAM GAVIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Ms. Mali Megha Y.
AGP for Respondents/State : S/Shri S.R. Wakale, S.K. Tambe, N.S. Tekale,
N.D. Batule and Ms. Neha Kamble

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

DATE : 4th October, 2024

PC. :-

1. In all these Petitions, the Petitioners have put-forth identical prayer clauses. For brevity, we are reproducing prayer clause B and C from W.P. No.10930/2024, as under :-

“B. The resp. authority may kindly be direct to give/release the benefits of Ekstar (one step pay scale) to the petitionrs from the initial date of appointment to till their retirement from service as per Govt. Resolution dated 06.08.2002 as they are worked 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, revise the pension of the petitioners including the benefits of one step pay scale i.e. Ekstar from the initial dates of appointment as they were worked in Tribal Area from their appointment to till their retirement as per Govt. Resolution dated 06.08.2022 issued by the Resp. No.4 & further directs not to revoke/recover the benefits of Ekstar (one step pay scale) as per Govt. Resolution dated 06.08.2002 though petitioners granted / 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 present cases. The order dated 21/12/2021, passed at the Principal Seat of this Court, 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.PS. benefits, cannot overlap with the working in the PESA areas. According to them, once a candidate gets the benefits of the A.C.PS. 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 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.

(vi) If any of these Petitioners have superannuated from service, their pensionary benefits would be recalculated if they are held to be eligible for the one step increment.

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.]

[RAVINDRA V. GHUGE, J.]