



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 11642 OF 2024

Shivaji Kashinath Burke and others
VERSUS
The State of Maharashtra and others

...
Advocate for the Petitioner : Mr. Shinde Balaji S.
AGP for Respondent Nos. 1 to 6: Mr. V.M. Kagne
.....

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATED : 17 OCTOBER 2024.**

PER COURT :-

. In this petition, the identically placed petitioners have put forth prayer clauses (B), (C) and (D), which read 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 postings in tribal area till the petitioners working in the Tribal area / 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 direct to pay arrears of salaries on the basis of One-step pay scale.

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.

D. Pending hearing and final disposal of this petition, kindly direct the respondents to pay salaries of petitioners as per one step pay scale as per G.R. dated 06.08.2002 & 29.02.2024.”

2. We have considered the submissions of the learned advocates for the respective sides and have perused the series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to the petition.

3. We do not find any such circumstance, which would convince us to take a different view.

4. The learned advocates representing the respective parties clearly state that the order passed by this Court at the Principal Seat in Writ Petition No. 8824 of 2021 dated 12/12/2021, is applicable to petitioners.

5. In view of the above, this Writ Petition is allowed in the following terms :

i) The impugned action of stoppage of One-step pay scale initiated by the respondents is quashed and set aside.

- ii) The Education Officer (Secondary), Zilla Parishad, Ahilyanagar (Ahmednagar) respondent No. 5 shall scrutinize the records of all these petitioners and the places, at which they are deployed for performing their duties, within a period of eight weeks.
- iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by respondent No. 5 and the salary benefits, to which they 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 their arrears, as well as their current salaries, within a period of four weeks thereafter.
- iv) After scrutiny, if any of these petitioners, on the basis of their records, are found to be ineligible respondent No. 5, would issue notices to each of such petitioners, so as to enable them to appear and address him.
- v) After such hearing, which shall be completed within four months from today, respondent No. 5 shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.
- vi) 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.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL , J.)