



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 13932 OF 2024

DEVIDAS TULSHIRAM CHAVAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

928 WRIT PETITION NO. 13933 OF 2024

SUBHASH SHANTARAM NIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

929 WRIT PETITION NO. 13934 OF 2024

NAROTTAM SOMAJI PATIL THROUGH LRS SHAKUNTALA
NAROTTAM PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

932 WRIT PETITION NO. 13937 OF 2024

FAHIM AHAMAD KHAN FIROZ KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

AND

933 WRIT PETITION NO. 13938 OF 2024

VILAS SOMNATH WAGH

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Petitioners in all WP : Ms. Mali Megha Y.
GP for Respondent/s-State in all WP : Mr. A. B. Girase.
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**CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.**

DATE : 19.12.2024

PER COURT :-

1. Heard the respective learned counsels.
2. In all these Petitions, the Petitioners have been superannuated. However, they were not paid the one step pay scale as per the Government Resolution dated 06.08.2002. They have claimed that they had discharged their duties in Tribal/PESA/difficult areas. They should have been paid the benefits of the above Government Resolution.
3. Learned counsel for the petitioners submits that ample material was available on record to grant one step pay scale to the petitioners. However, till their retirement no such benefits were granted to them. She would rely on the judgment of the Principal Seat of this Court in Writ Petition No.8824 of 2024, dated 21.12.2021.

4. Learned Government Pleader submits that whether the petitioners are entitled to the benefits as claimed is a matter of verification of the record and the benefits already conferred upon the petitioners. If the petitioners have been received the benefits of ACPS in the form of additional increment after 12 years, though the employee is working in Tribal/PESA/difficult area would be entitled for one single increment as long as the employees serving in the PESA or difficult area.

5. We have considered the view taken by this Court by the Principal Seat in the writ petition mentioned above. In view thereof, we pass the following order :

(i) All the writ petitions are allowed in the following terms :

(ii) 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 30 days.

(iii) 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 45 days thereafter.

(iv) 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 their grievances.

(v) 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.

(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.

(vii) Since, the petitioners have been superannuated

from service, their pensionary benefits would be recalculated if they are held to be eligible for the one step increment.

6. 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.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-