



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14002 OF 2024

1. Devanath S/o Nana Salve,
2. Shital Santosh Ahire,
3. Anil S/o Atmaram Kuwar,
4. Prakash S/o Sitaram Nikumbh,
5. Ramesh Jadhav Barade,
6. Nilesh S/o Ashok Thakare,
7. Pankaj S/o Damodar Pimpale,
8. Sudhir S/o Tukaram Wagh,
9. Sujata Ashok Patil,
10. Sangita Vasant Naik,
11. Manohar S/o Yuvaraj Mahire,
12. Rajendra S/o Subhash Aagale,
13. Jagadish S/o Prabhakar Karhad,
14. Punam Rambhau Shirsath,
15. Kavita Tarachand Gavale,
16. Shakuntala Jegala Padvi,
17. Santosh S/o Suratsing Girase,
18. Ganesh S/o Vasant Pawara,
19. Nitin S/o Milind Javre,
20. Arun S/o Ishwar Gavale,
21. Sangita Suresh Patil,
22. Archana Govind Chavhan,

... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The State of Maharashtra
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
3. The State of Maharashtra
through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32.

4. The State of Maharashtra through its Secretary, Finance Department, Mantralaya, Mumbai-32.
 5. The Divisional Commissioner, Nashik, Division Nashik, Tq. & Dist. Nashik.
 6. The Chief Executive Officer, Zilla Parishad, Nandurbar, Tq. & Dist. Nandurbar.
 7. The Dy. Chief Executive Officer (Grampanchayat), Zilla Parishad, Nandurbar, Tq. & Dist. Nandurbar.
 8. The Chief Accountant & Finance Officer, Zilla Parishad, Nandurbar, Tq. & Dist. Nandurbar
- ... **RESPONDENTS**

...

Advocate for the Petitioners : Mr. Megha Y. Mali
 AGP for Respondents/State : Ms. Neha B. Kamble
 Advocate for respondent Nos.6,7 and 8 : Mr. P.S. Patil

...

**CORAM : MANGESH S. PATIL &
 PRAFULLA S. KHUBALKAR, JJ.**

DATE : 19.12.2024

PER COURT:

. Issue notice to the respondents. Learned AGP waives service of notice for respondents/State.

2. The matter is taken up for final disposal. The petitioners have prayed for following reliefs :

*“[A] The writ petition may kindly be allowed.
 [B] The Hon’ble High Court, by issuing appropriate writ, order or direction may kindly be direct to respondents no. 6 to 8*

to continue to pay the salaries/benefits of Ekstar (one step pay scale) & arrears of salaries of the petitioners as per Ekstar after completion of 10 years continuous service till they are working in Tribal / PESA area to the petitioners as per G.R. dated 06.08.2002 as per various judgments of this Court & consequently quash & set aside, action of recovery of salary & action of withdrawal of Ekstar.

[C] The Hon'ble High Court, by issuing appropriate writ, order or direction, may please to direct to respondents no. 6 to 8 to fix the pay scale as per Clause 6(A) of G.R. dated 14.05.2019 & directed to paid the salaries of petitioners as per one step pay scale or pay scale which is more benefited to the petitioners & also directed to made available option to apply time bound promotion scale at appropriate time.

[D] The Respondent authority (Resp. No.6 to 8) may kindly be direct to fix the pay scale, arrears of salaries of the petitioners as per the Ekstar (one step pay scale) from the dates of posting in tribal area to till they working in Tribal area as they are working in Tribal Area as per G.R. dated 06.08.2002 issued by the Resp. No.1 & further directs not to revoke/recover the benefits of Ekstar (one step pay scale) as per G.R. dated 06.08.2002 though petitioners granted/entitled for time bound promotion.”

3. The present petition is covered by various orders passed by the coordinate bench. One of such order is at Exhibit-K, passed in Writ Petition No.11192 of 2024 and other connected matters, in the matter of Ramesh Raghunath Desale Vs. The State of Maharashtra and others. We propose to pass the same order.

4. The 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.6/Chief Executive Officer, Zilla Parishad, Nandurbar shall scrutinize the records of these petitioners and the places at which they are deployed for performing their duties, within a period of 60 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.6 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.6, 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.6 shall pass an appropriate order and grant benefits 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.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

habeeb/