

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12201 OF 2024

Baban Sheshrao Chavan and Ors.

... Petitioners

Versus

The State of Maharashtra

Thr. The Secretary Tribal Development and Ors. ... Respondents

...

Mr. Balaji Shinde, Advocate for the Petitioners.

Ms. Ashwini A. Purav, AGP, for Respondent Nos.1 to 5.

Mr. A.R. Kapadnis, Advocate for Respondent Nos.6 to 8.

...

PALLAVI
MAHENDRA
WARGAONKAR

CORAM : RAVINDRA V. GHUGE

&

M.M. SATHAYE, JJ.

DATE :- 9th OCTOBER, 2024

Per Court :-

1. Leave to correct the description of Respondent No.7.
2. These identically placed Petitioners have put forth identical prayer clauses (B) and (C), which read as under :-

*“[B] This Honorable court, by issuing appropriate writ, order, directions, may please to direct the respondents no.6 to 8 to pay **arrears of salaries** of the petitioners from the date of stoppage of one step pay scale till its continuation as per chart annexed at **Exhibit-B** in view judgments of this honorable court in favor of petitioners and as per Government Resolution dated 29.02.2024.*

[C] Pending hearing and final disposal of this writ petition, kindly direct the respondents to pay to pay arrears of salaries of the petitioners from the date of stoppage of one step pay scale till its continuation as per chart as per judgments of this honorable court in favor of petitioners and as per 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 such 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.7/ Education Officer (Primary), Zilla Parishad, Nashik, 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.7 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.7, 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.7 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.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)