

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12414 OF 2024

Digambar Chandrakant Bhusare and Ors. ... Petitioners

Versus

The State of Maharashtra

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

...

Mr. Balaji Shinde, Advocate for the Petitioners.

Mr. Abhijeet Naik, AGP, for Respondent Nos.1 to 5.

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

...

CORAM : RAVINDRA V. GHUGE

&

M.M. SATHAYE, JJ.

DATE :- 9th OCTOBER, 2024

PALLAVI
MAHENDRA
WARGAONKAR

Digitally signed by
PALLAVI MAHENDRA
WARGAONKAR
Date: 2024.10.11
19:31:35 +0530

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 continue to pay salaries as per **Ekstar (One-step pay scale)** and arrears of salaries of the petitioners till they are working in Tribal Area/ PESA as per **judgment of this Court dated 14.07.2021 in W.P. St. No.9543/2021 in case of Baban Chavan** and consequently quash and set aside, action of recovery of salary and action of withdrawal of Ekstar (One-step pay scale).*

*[C] This Honorable court, by issuing appropriate writ, order, directions, may please to direct respondents no. 6 to 8 to fix the pay scale, as per **Para-6** of G.R. dated 14.05.2019 and directed to be paid the salaries petitioners as per one step pay scale or pay scale which is more benefited to the petitioners and also directed to made available option to apply the time bound promotion scale at appropriate time as per G.R. dtd. 14.05.2019.”*

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.)