

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.244 OF 2021

Shamsundar Abaji Muley and others.

vs.

The State of Maharashtra through its Secretary, Other Backward Bahun Welfare
Department, Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.P. Mapari, Advocate for petitioners.

Shri Amit Madiwale, Assistant Government Pleader for respondents.

CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- 26th APRIL, 2023

Rule. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The issue that arises for consideration is with regard to the
entitlement of the petitioners to the benefit of one step promotional
pay scale for the period when the petitioners were working in Naxalite
and Tribal areas under Government Resolution dated 06.08.2002.

3. Similar matters raising this issue have been considered and
decided earlier. In those orders, reference has been made to the order
passed in Writ Petition (Stamp) No.9543/2021 (Baban S. Chavan and
ors. vs. State of Maharashtra and ors.) at the Principal Seat. Paragraphs
8 and 9 of the said order dated 14.07.2021 read as under:

*“8. The Education Officer (Primary) Zilla Parishad
shall decide the representation of the petitioners
within six weeks from the date of first hearing. The
order that would be passed by the Education Officer
(Primary) Zilla Parishad shall be conveyed to the
petitioners within two weeks from the date of
passing such order. If the order that would be passed
by the Education Officer (Primary) Zilla Parishad is*

adverse against the petitioners, no coercive steps would be taken against the petitioners for a period of four weeks from the date of communication of the order.

9. The Education Officer (Primary) Zilla Parishad in the meanwhile shall continue to pay salaries of the petitioners (one step pay scale) at the rate at which they were being paid prior to the date of recovery of amount.”

4. In view of aforesaid, by following a similar course, the Writ Petition is disposed of by passing the following directions:

- i) Each petitioner is at liberty to make a representation to the Respondent no.3- The Regional Deputy Commissioner, Social Welfare Department, Nagpur Division, Nagpur against the alleged recovery of excess payment and for continuation of salary in terms of Government Resolution dated 06/08/2002.
- ii) The Regional Deputy Commissioner shall decide the representations made by the petitioners within a period of twelve weeks from the first date of proceedings and the order passed would be communicated to the petitioners.
- iii) If any adverse order is passed by the Regional Deputy Commissioner, no coercive steps for recovery of any excess payment shall be made for a period of four weeks from the date of communication of such order to the petitioners.
- iv) Till the Regional Deputy Commissioner takes a decision on the representations, the petitioners shall continue to receive salary at the same rate at which they were receiving the same prior to such recovery.

5. Rule accordingly. No costs.