



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

WRIT PETITION NO.4787 OF 2024

Raghunath Masaji Bhandekar and others

Petitioners

-Versus-

The State Of Maharashtra and others.

Respondents

WITH

WRIT PETITION NO.4055 OF 2024

Gautam Manohar Landge and others

Petitioners

-Versus-

The State Of Maharashtra and others.

Respondents

Mr.P.S. Kshirsagar, Adv. for the petitioners
Mr.J.Y.Ghurde, AGP for respondent-State
Mr.S.R.Agrawal, counsel for respondent Nos.2 and 3.

CORAM : NITIN W. SAMBRE, AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED: 16/10/2024

ORDER (Per : Vrushali V.Joshi, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.
2. In both the writ petitions, the petitioners are seeking the same relief, hence a common order is passed.
3. The petitioners are praying for a direction to respondent Zilla Parishad, Gadchiroli, to grant the benefit of tribal/Naxlite incentive allowance as per the 6th Pay and 7th Pay Commission and pay the arrears

accordingly and also praying for direction to grant of additional house rent allowances. The petitioners are working with the Zilla Parishad, Gadchiroli in the tribal area.

4. As per provisions of the Government Resolution dated 06.08.2002, the employees working in the tribal area are entitled for the tribal incentive allowance, which is 15% of the salary, whereunder minimum allowance of Rs.200/- and maximum allowance of Rs.1500/- per month is payable.

5. The reliance is placed on the communication of the State Government addressed to the Chief Executive Officer, Gondia clarifying that the provisions contained in the Government Resolution dated 06.08.2002 shall also be made applicable to all the employees working in the Rural Development Department, which includes the teachers and other employees.

6. The learned counsel appearing for the petitioners has placed before us the judgment of this Court in **Writ Petition No.5063 of 2024 (Vijay Baburao Bansod and ors Vs. State of Maharashtra and others)** dated 01.10.2024, wherein this Court has relied on the judgment of **Narayan Ratanlal Thakre and ors .Vs. State of Maharashtra (Writ Petition No.6114 of 2023)**, decided on 22nd February, 2024 pertaining

to the Zilla Parishad Gondia. A similar relief was claimed by the employees within the purview of Zilla Parishad, Gondia, where they made a grievance that in pursuance of the Government Resolution dated 06.08.2002, they preferred representations to the respondents at regular intervals, but they were kept away from the benefits flowing from the said Government Resolution. It was argued that the State Government has made it evidently clear that the provisions of the Government Resolution dated 06.08.2002, shall be made applicable to the employees of the Zilla Parishad as per their existing pay-scales. In the wake of aforesaid grievance, the rule in that writ petition was made absolute by issuing following direction, which is reproduced as below:-

“5. It is contended by the petitioner that this Court in several cases, already held that the said employees shall be entitled to receive the aforesaid benefits in terms of the 6th and 7th Pay Commission. The present matter is covered by the judgment dated 13/02/2024 in Writ Petition No. 4416/2023 with Writ Petition No. 7634/2023. As such the present petition is allowed by directing the respondent to release the benefits of Incentive Allowance and Additional House Rent Allowance, in favour of the petitioners as per the Recommendations of the 6th and 7th Pay Commission w.e.f 01/01/2006 and 01/01/2016 respectively till the date of their retirement and to forthwith pay the arrears of difference of amount of Incentive Allowance and Additional House Rent Allowance, in favour of the petitioners, within a period of four weeks”.

7. In the above writ petition, the petitioners had also placed

reliance upon another decision delivered in the case of **Sameer Manoharrao Dakhode and ors. ..Vs.. State of Maharashtra (Writ Petition No.3950 of 2024)** decided on 12th September 2024 extending the similar benefits. This decision related to Zilla Parishad, Yavatmal, as the petitioners therein were working in the Naxalite area and claimed Tribal Incentive Allowance and additional House Rent Allowance and the said relief came to be granted.

8. The petitioners in both the writ petitions before us are seeking the similar relief based on the policy decision along with the communication of the State Government addressed to the Chief Executive Officer, Zilla Parishad, Gondia.

9. We are, therefore, inclined to grant relief in terms of prayer clause (i) by directing Zilla Parishad, Gadchiroli, to release necessary payment to the petitioners, within a period of three months from today. Rule is made absolute in terms of prayer clause (i) which reads as under:-

“i) Direct the respondent No.1 the Chief Executive officer Zilla Parishad Gadchiroli to revise the Tribal Incentive Allowance and to pay the arrears of Tribal incentive allowances and additional House Rent Allowance as per pay scale of 6th Pay and 7th Pay Commission under the provisions of GR dated 06/08/2002 as per letter dated 16/09/2020 and by

extending the benefit of order of this Hon'ble Court in Writ Petition No. 3837/2021 dated 02/03/2022 and restore the benefit of House Rent Allowance w.e.f. March 2023 along with arrears in view of Revised Government Resolution dated 19/01/2023 within stipulated period”.

10. In Writ Petition No.5063 of 2024 *supra*, a specific direction was issued to the Secretary, Rural Development Department to address a communication to all the Zilla Parishad in the State directing them to ensure compliance of the policy decision of the State Government as contained in the Government Resolution dated 06.08.2002 issued by the General Administration Department so that further inflow of the petitions by the employees seeking similar reliefs can be curtailed. The respondent No.2 is directed to comply the above said order expeditiously.

Both the writ petitions stand disposed of.

(MRS.VRUSHALI V. JOSHI, J) (NITIN W.SAMBRE, J.)