



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.296 OF 2025

NIMBA SANTOSH PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Murge Estling S.
AGP for Respondents: Mr. M.K. Goyanka

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

DATE : 09.01.2025

PER COURT:

Heard the learned advocate for the petitioners as also the
learned AGP. The petitioners are coming with the following prayers :

- "B) *By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the respondent No. 4 to give/re-grant the benefit of **Ekstar (One step pay scale)** under G.R. dt.06/08/2002 which was withdrawn in the year for 2018 by misinterpreting the provisions of G.R. dt. 06/08/2002 till they working PESA and direct the respondent to pay the salary of the petitioners as per the Ekstar (One step pay scale) till the petitioners working in tribal/PESA.*
- C) *By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, direct the respondent No. 4 to pay the arrears of salaries of the petitioners as per the Ekstar (One step Pay Scale) from the respective dates of withdrawal of Ekstar and refund recovered amount to the petitioners and further directs not to revoke the benefits of Ekstar (One step Pay Scale) as per G.R. dt. 06/08/2002 though petitioner entitled for time bound promotion.*

- D) *By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, Direct the Respondents to fix pay scale as per the clause-6 of G.R. dt. 14/05/2019 and also directed accept the option form to apply the time bound promotion scale at appropriate time as per G.R. dt. 14/05/2019 for that purpose issue necessary order.*
- E) *Pending hearing and final disposal of this writ petition to direct the respondents to pay Monthly salary to the petitioners as per the Ekstar (One step Pay Scale) & for that purpose issue necessary order.*
- F) *To grant ad-interim relief in prayer clause "E".*

2. The parties are *ad idem* that the issue being raised is no longer *res integra* in the light of the several decisions of the division benches of this Court. We passed the following order :

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) The Additional Commissioner, Tribal Development Department, Nashik - respondent No.4, shall scrutinize the records of all these petitioners and the places, at which they are deployed for performing their duties, within a period of 21 days.
- (iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by respondent No.4 and the salary benefits, to which they 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, along with their arrears, as well as their current salaries, within a period of four weeks thereafter.
- (iv) After scrutiny, if any of these petitioners, on the basis of their records, are found to be ineligible, respondent No.4,

would issue notices to each of such petitioners, so as to enable them to appear before the said authority and address respondent no.4.

- (v) After such hearing, which shall be completed within four months from today, respondent No.4 shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.
- (vi) Those petitioners, who suffer adverse orders after the above stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

3. In view of above the writ petition is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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