



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.657 OF 2025

SHARAD DAYARAM GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. S.P. Tiwari h/f.

Mr. Chaudhari Krishna Uddhav

GP for Respondents: Mr. A.B. Girase

Advocate for Respondents No.6, 7 and 8 : Mr. P.S. Patil

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

DATE : 15.01.2025

PER COURT:

The petitioners claim to have worked in the difficult areas and are claiming one upward scale in the light of the policy of the Government.

2. The issue has been addressed by this Court several times. Even the learned advocate for the respondent – Zilla Parishad concedes to the fact that this Court is in several such cases issued direction for consideration of similar claims. We dispose of the writ petition with following directions :

- (i) *The impugned action of recovery initiated by the Respondents, is quashed and set aside.*
- (ii) *Respondent No.6/Chief Executive Officer, Zilla Parishad, Nandurbar shall scrutinize the records of these petitioners*

and the places at which they are deployed for performing their duties, within a period of 60 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.6 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.6, 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.6 shall pass an appropriate order and grant benefits 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.*

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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