IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5322 OF 2025

KISHOR SUDHAKAR KHAIRNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Shinde Balaji S.
AGP for Respondents: Ms. D.S. Jape
Advocate for Respondents No.5 to 7 : Mr. Pravin S. Patil
...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 23.04.2025

PER COURT:

Issue notice to the respondents. Learned AGP waives service of notice for respondents/State.

2. The matter is taken up for final disposal. The petitioners have prayed for following reliefs :

> "[A] This writ petition may kindly be allowed.
>
> [B] This Honourable 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 as per Ekstar (One-step pay scale), after completion of 10 years till they are working in Tribal Area/PESA as per various judgment of this court 14.07.2021 in W.P.st.no.9543/2021 in case of Baban Chavan and consequently quash and set aside, action of proposed recovery of salary and action of withdrawal of Ekstar.

> **[C]** This Honourable 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-A 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 time bound promotion scale at appropriate time as per G.R. dtd 14.05.2019.
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> **[D]** Pending hearing and final disposal of this writ petition, kindly direct the respondents to pay monthly salary of the petitioners as per Ekstar (One-step pay scale) as earlier paid to them."

3. The present petition is covered by various orders passed by the coordinate bench. One of such order is at Exhibit-I passed in Writ Petition No.13241 of 2024 and other connected matters, in the matter of **Dinesh Eknath Patil and Ors. Vs. The State of Maharashtra and others**. We propose to pass the same order.

4. The 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.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.

(Y. G. KHOBRAGADE, J.) (MANGESH S. PATIL, J.)

habeeb/