



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO.8568 OF 2025

PRAKASH LALCHAND MAHAJAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.T. Patil, Advocate for petitioner – **absent**

Mr. V.M. Kagne, AGP for State

...

AND

12 WRIT PETITION NO.8569 OF 2025

SUSHILA RAMSING PAWARA AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.T. Patil, Advocate for petitioners – **absent**

Mr. N.S. Tekale, AGP for State

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 22nd DECEMBER, 2025

ORDER :

. Issue notice to the respondents. Learned AGPs waive notices for respective respondents.

2 Both these petitions are filed for same and similar reliefs. The prayer clause 'B' in Writ Petition No.8568 of 2025 reads as under :

“(B) By issuing a writ of Mandamus, order, directions or any other appropriate writ in the like nature, the respondents may be directed to grant the benefit of one step promotional pay scale under the scheme of G.R. Dated 06.08.2002 and 29.02.2024 from the date of appointment to the petitioner in tribal area and further direct to respondents to pay the salary with arrears to the petitioners by adding one step pay promotional pay scale for that purpose issue necessary order.”

3 Learned Advocate appearing for petitioners in both petitions is absent when the matters are called. The petitioners are working in Ashram School. The school of petitioners is located in tribal area and since the initial date of appointment, the petitioners are officiating their duties in the Tribal / PESA / difficult area and even till today they are working there. Respondent No.1 had issued Government Resolution dated 06.08.2002 and decided to give additional benefit of one step pay scale to the employees working in

Tribal / PESA area. However, the respondents have not given the effect of said Government Resolution to petitioners. There is no noting in the service record of petitioners to that effect. It is stated in the petition that in view of order passed in Writ Petition No.517 of 2024 the Additional Commissioner, Amaravati had passed an order dated 11.03.2024 and granted promotional pay scale. The petitioners are similarly situated like the petitioner in Writ Petition No.517 of 2024 and Gadchiroli Zilla Parishad had rightly interpreted Government Resolution dated 06.08.2002 and then clarified on 18.11.2014 that effect is required to be given to the said Government Resolution dated 06.08.2002. Similar order was passed by Zilla Parishad, Chandrapur and, therefore, petitioners have approached this Court.

4 The first and the foremost fact that is required to be noted is that it appears that there was no representation made by petitioners to respondent Nos.4 and 5 and especially respondent No.4. Though in similarly situated Zilla Parishads, the Government Resolution might have been implemented, that does not mean that the representation should not be made by petitioners. The petitioners themselves have annexed copy of order passed by this Court in **Dinesh Eknath Patil and others vs. The State of Maharashtra and others** in Writ Petition No.13241 of 2024 passed on **04.12.2024**, wherein it appears that respondent No.6 was Chief Executive

Officer. This Court had then directed that Respondent – Chief Executive Officer, Zilla Parishad, Nandurbar shall scrutinize the record of those petitioners and the places at which they were deployed for performing their duties and then decide regarding the implementation of Government Resolution. In fact, present respondent No.4 ought to have then scrutinized the record of all the employees under the Ashram School and ought to have taken a decision once for all for all the employees. Again it appears that bunch of employees filed Writ Petitions bearing Nos. 8788 of 2025, 8800 of 2025, 3977 of 2025 and 6856 fo 2025, which came to be decided by this Court on 21.07.2025. Therein also Chief Officer, Zilla Parishad, Nandurbar was party and similar directions have been given. We intend to issue similar directions in respect of petitioners also, however, before that the petitioners should file a representation to respondent No.4. Learned AGP informs that Government had also taken out Government Resolution dated 14.08.2008, wherein clarification has been issued and then it is stated that the scheme is not applicable to those employees who are working in the tribal and PESA area and were never transferred from such area to other areas and, therefore, while giving directions note be taken in respect of said Government Resolution.

- (i) The petitioners are at liberty to file representation to respondent No.4 within a period of 15 days from today.
- (ii) Respondent No.4 shall scrutinize the record of these petitioners and the places at which they are deployed for performing their duties, from the date of receipt of a representation, considering the Government Resolution dated 29.02.2024. All the Government Resolutions including Government Resolution dated 14.08.2008 be considered.
- (iii) The cases which are without any legal impediment after verification, shall be cleared by respondent No.4 and the salary benefits, to which the petitioners are entitled to, in the light of one-step pay scale made available to the employees working in 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.4, 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.4 shall pass an appropriate order and grant benefits one step pay scale to those petitioners, 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 Government Resolution dated 29.02.2024 issued by the General Administrative Department.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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