

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(SR.NO.22) WRIT PETITION NO.1857 OF 2025

Chandrakant S/o Ramrao More and Ors. ...Petitioner

versus

The State of Maharashtra and Ors.Respondents

WITH

(SR.NO.23) WRIT PETITION NO.1858 OF 2025

Ashok S/o Gaman Suryawanshi and Ors.Petitioners

versus

The State of Maharashtra and Ors.Respondents

WITH

(SR. NO.26) WRIT PETITION NO.1905 OF 2025

Ganesh S/o Tryambak Ahire and Anr.Petitioners

versus

The State of Maharashtra and Ors.Respondents

Ms. Megha Y. Mali for the Petitioner.

Mr. P. P. Kakade, Addl. G. P. a/w Ms. D. S. Deshmukh, AGP for the State in WP/1857/2025.

Mr. A. C. Bhadang, AGP for the State in WP/1858/2025.

Ms. P. M. J. Deshpande, AGP for the State in WP/1905/2025.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 12th FEBRUARY, 2025

P.C. :-

1. In all these matters, the identically placed Petitioners have put forth identical prayer Clauses (B) and (C), which read as under:-

*“B. The resp. authority may kindly be direct to give/release the benefits of **Ekstar (one step pay scale)** to the petitioners from the initial date of appointment to till they working in Tribal area as per Government Resolution dated 06.08.2002 as they are working in Tribal/PESA/difficult area though they are granted the benefit of 12 continuous service i.e. Time Bound Promotion & also direct the respondents to pay the salary of the petitioners as per the **Ekstar (one step pay scale)** till the petitioners working in Tribal/PESA/difficult area. By issuing writ of Mandamus or any other appropriate writ, order or direction as the case may be.*

C. The Resp. authority may kindly be direct to pay the arrears of salary of the petitioners as per Ekstar (one step pay scale) from the initial date of appointment to till they working in tribal area as per Government Resolution dated 06.08.2022 issued by the Resp. No. 1 as they working in Tribal/PESA area & further directs not to revoke/recover the benefits of Ekstar (one step pay scale) as per Government Resolution dated 06.08.2022 though petitioners granted/ entitled for time bound promotion.”

2. We have considered the submissions of the learned Advocate for the Petitioners and the learned A.G.Ps. for the State Authorities. We have perused the series of orders passed by this

Court in favour of similarly situated Petitioners, which have been annexed to these Petitions.

3. The learned Advocate for the Petitioners submits that the orders annexed to these Writ Petitions are applicable to the present cases. The order passed at the Principal Seat of this Court, dated 21/12/2021 in Writ Petition No.8824/2021, is also applicable to this case. All the A.G.Ps. submit that, 12 years of service, which are reckoned for granting A.C.P.S. benefits, cannot overlap with the working in the PESA areas. According to them, once a candidate gets the benefits of the A.C.P.S. in the form of additional increment, after 12 years, if he/she is in PESA, he/she would be entitled for one single increment as long as the candidate is serving in the PESA.

4. In view of the above, **all these Writ Petitions are allowed** in the following terms :-

(i) The Education Officer of the Zilla Parishad shall scrutinize the records of all these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days.

(ii) Those cases, which are without any legal impediment after verification, shall be cleared by the Education Officer 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 along with arrears as well as their current salaries, within a period of 45 days thereafter.

(iii) After scrutiny, if any of these Petitioners, on the basis of their records, are found to be ineligible, the Education Officer, Zilla Parishad, would issue notices to each of such Petitioners, so as to enable them to appear before the said authority and address the Education Officer.

(iv) After such hearing, which shall be completed within 90 days, the Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(v) 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.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)