

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1906 OF 2025

Gokul S/o. Krishnaji Ahire and Ors.

...Petitioner

versus

The State of Maharashtra and Ors.

....Respondents

Ms. Megha Y. Mali for the Petitioner.

Mr. P. P. Kakade, Addl. G. P. a/w P. N. Diwan, AGP for the State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 12th FEBRUARY, 2025

P.C. :-

1. In this Petition, the Petitioners have put forth
prayer Clauses (B) and (C), 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 their retirement from service as per Government Resolution dated 06.08.2002 as they are working in Tribal/PESA/difficult area & direct the respondents to pay the salary of the petitioners as per the **Ekstar (one step pay scale)** till the petitionrs 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 Respondent authority may kindly be direct to pay arrears of salaries, revise the pension of the petitioners including the benefits of one step pay scale i.e. Ekstar from the initial dates of appointment to till their retirement as per Govt. Resolution dated 06.08.2002 issued by the Respondent. No.1 as they were worked in Tribal Area & further directs not to revoke recover the benefits of Ekstar (one step pay scale) as per Govt. 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 this Petition.

3. The learned Advocates representing the respective parties in those cases, (orders which have been annexed to the petition), have clearly stated that the order passed by this Court at the Principal Seat, in Writ Petition No.8824/2021, dated 21/12/2021, is applicable to all such cases.

4. We do not find any circumstances, which would convince us to take a different view.

5. In view of the above, **this Writ Petition is allowed** in the following terms:-

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) 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 31 days from today.
- (iii) 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 four weeks, thereafter.
- (iv) 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.
- (v) After such hearing, which shall be completed within 60 days, the Zilla parishad shall pas 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.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)