

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8833 OF 2025

Madhav Baburao Bhuiade and Ors.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Ms. Megha Y. Mali for the Petitioners.

Mr. A.K. Naik, AGP for the State.

CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.

DATE : 2nd JULY, 2025

P.C. :-

1. The Petitioners have put forth 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) from the initial date of appointment to till they working in Tribal area to the petitioners as per Govt. Resolution dated 06.08.2002 & 29.02.2024 as they are working in Tribal/PESA/difficult area though they are already granted 12 years continuous service benefit (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 Respondent authority may kindly be direct to pay arrears of salaries of the petitioners as per the Ekstar (one step pay scale) from the initial dates of appointment to till they are working in Tribal Area as per Government

Resolution dated 06.08.2002 issued by the Resp. No.1 as they working in tribal area & further directs not to revoke/recover the benefits of Ekstar (one step pay scale) as per G. R. dated 06.08.2002 & 29.02.2024 though petitioners granted/ entitled for time bound promotion.

2. We have considered the submissions of the learned Advocates for the respective sides and we have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to the Petition.

3. In view of the above, we do not find any such circumstances, which would convince us to take a different view.

4. 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 of 2021 (*Hiralal Jagannath Bawa and others v/s. The State of Maharashtra and others*), 21.12.2021, is applicable to all such cases.

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 concerned Respondent shall scrutinize the records of these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days from today, considering the Government Resolution dated 29.02.2024.

(iii) The cases which have no legal impediment after verification, shall be cleared by the concerned Respondent 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, the concerned Respondent, 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, the concerned Respondent shall pass an appropriate order and grant benefits of 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.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)