

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 673 of 2022 (S.B.)

1. Shri Chetan Vitthal Umathe,
Aged: 32 years, Occup. : Service,
2. Ku. Poonam Ashokrao Sarode,
Aged: 31 years, Occup. : Service,
R/o. Applicant No. 1 & 2 at
C/o. Deolapar Range, Distt. : Nagpur.
3. Shri Tulsiram Kandrooji Maraskolhe,
Aged: 50 years, Occup. : Service,
4. Shri Pradip Bhimaji Gadale,
Aged: 32 years, Occup.: Service,
5. Shri Rajeev Madhuraao Kendre,
Aged: 30 years, Occup. : Service,
6. Shri Jeevan Ravindra Kadam,
Aged: 31 years, Occup.: Service,
7. Shri Akash Bhaskar Dukre,
Aged: 32 years, Occup. : Service,
8. Shri Ganpat Bhaurao Munde,
Aged: 30 years, Occup.: Service,
9. Ku. Akansha Waman Chaure,
Aged: 30 years, Occup.: Service,
10. Ku. Priyanka Anil Awari,
Aged: 31 years, Occup. : Service,
11. Ku. Trupti Deorao Vaidya,
Aged: 32 years, Occup.: Service,
12. Ku. Vaishali Ajayabrao Nawalkar,
Aged: 30 years, Occup.: Service,

13. Ku. Darshana Vasant Gedam,
Aged: 31 years, Occup.: Service,
14. Shri Laxmi Balaji Wanjari,
Aged: 32 years, Occup.: Service,
R/o. Applicant No. 3 to 14 at
C/o. Pipriya Range, Distt. : Nagpur.
15. Ku. Anita Deorao Mendhe,
Aged: 30 years, Occup.: Service,
R/o. Gondia Range, Distt. Gondia.
16. Ku. Amrapali Devidas Paddhan,
Aged: 31 years, Occup.: Service,
R/o. Bor Range, Distt. : Wardha.
17. Shri Wasudeo Punaram Tekam,
Aged: 50 years, Occup. : Service,
18. Shri Prabhakar Raoji Panchbudhe,
Aged: 51 years, Occup. : Service,
19. Shri Keshav Sripath Gajbhiye,
Aged: 50 years, Occup.: Service,
20. Smt. Laxmi Gulabrao Manohar,
Aged: 52 years, Occup. Service,
21. Shri Ashok Sripath Gajbhiye,
Aged: 52 years, Occup.: Service,
22. Shri Shankar Zamlooji Pandhare,
Aged: 51 years, Occup.: Service,
23. Shri Rajkumar Anandrao Uike,
Aged: 53 years, Occup. : Service,
24. Shri Vipat Jagat Admachi
Aged: 53 years, Occup.: Service,
R/o. Applicant No. 17 to 24 at
C/o. Pipriya Range, Distt. Nagpur.

Applicants....

-- Versus --

- 1) The State of Maharashtra through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai.
- 2) The Principal Chief Conservator of Forest,
(Vanbal Pramukh) Maharashtra State,
Civil Lines, Nagpur.
- 3) The Conservator of Forest & Field Director,
Wild Life, Nagpur.
- 4) The Deputy Director,
Pench Tiger Project, Nagpur.
- 5) The Sub Treasury Officer, Ramtek,
Distt. Nagpur.
- 6) The Deputy Director,
Accounts and Treasury,
Nagpur.

Respondents.

**S/Shri G.G. Bade, P.P. Khaparde, Advocates for the applicants.
Shri A.M. Khadatkar, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 08/03/2023.

JUDGMENT

Heard Shri G.G. Bade, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The applicants were working at Gara, Sawara and Pipriya villages in Nagpur District. Gara, Sawara and Pipriya villages are declared as tribal areas as per the G.R. dated 09/03/1990. The

applicants are entitled for promotional pay as per the G.R. dated 06/08/2002. The respondent nos.2 to 4 have forwarded proposal to the Accounts and Treasury Office, Nagpur for grant of promotional pay to the applicant nos.1 and 2, but the Accounts and Treasury Office returned the same on the ground that as per the G.R. dated 07/12/2004, the villages in Nagpur District are not enlisted as a Naxalite area and therefore they are not entitled for promotional pay.

3. Therefore, the applicants approached to this Tribunal for the following reliefs -

“(9) (i) Direct the respondent Department to grant the benefits of G.R. dated 06/08/2002, by granting pay scale of one step ahead i.e. pay scale higher than the pay scale of a post held by the applicants, along with the interest @24% per annum, from the date of posting in the Tribal notified Area, in the interest of justice.”

4. Heard Shri A.M. Khadatkar, learned P.O. for the respondents. The O.A. is opposed by the respondent nos.5 and 6. The respondent nos. 2 to 4 submitted that the proposal of applicant no.1 was moved to the Treasury Office for grant of benefit as per the G.R. dated 06/08/2002. But, it was not accepted by the Treasury Officer. The respondent nos.5 and 6 have submitted that as per the G.R. of 2004, Nagpur District is not in the list of naxalite area and therefore the applicants are not entitled for grant of promotional pay.

The G.R. dated 06/08/2002 is very clear. The material portion of the G.R. dated 06/08/2002 is reproduced as below –

"आदिवासी क्षेत्रातील बिकट परिस्थितीत शासनाच्या योजनांची प्रभावीपणे अंमलबजावणी करणाऱ्या शासकाय अधिकारो/कमचारी यांना त्या भागात काम करताना येणाऱ्या विविध अडचणींचा विचार करून तसेच नक्षलग्रस्त/संवेदनशील भागात (जिविताची) सुरक्षितता इत्यादी बाबी लक्षात घेवून त्यांना काही प्रोत्साहनपर सवलतीही देण्यात आलेल्या आहेत. आदिवासी भागाच्या विकासासाठी राबविण्यात येत असलेल्या शासनाच्या विविध योजनांचा पुरेपूर लाभ तेथील जनतेला मिळावा, त्यांचा विकास व्हावा यासाठी तळमळीने काम करणाऱ्या अधिकारी / कमचार्यांच्या अडीअडचणी दूर व्हाव्यात आणि त्यांना जोमाने काम करण्यास प्रोत्साहन मिळावे याकरिता विविध सवलती देण्यात आलेल्या आहेत त्यात सुधारणा करणे तसेच काही अतिरिक्त सवलती देण्याची बाब शासनाच्या विचाराधीन होती.....

(७) सव पदांसाठी एकस्तर पदोन्नती : आदिवासी व नक्षलग्रस्त क्षेत्रात काम करण्यासाठी प्रोत्साहन म्हणून गट 'अ' ते गट 'ड' मधील सव पदधारकांना संबंधित कमचारी/अधिकारी त्या क्षेत्रात कायरात असेपयन्तच्या काळात त्यांनी धारण केलेल्या मूळ पदाच्या नजीकची वार्षिक पदोन्नतीची वेतनश्रेणी व त्या अनुषंगाने वेतननिश्चितीचा लाभ देण्यात यावा. ज्या कमचारी/अधिकार्यांना सेवांतगत आश्वासित प्रगती योजनेचा लाभ देण्यात आलेला आहे त्यांना आणखी वार्षिक पदाच्या वेतनश्रेणीचा लाभ अनुज्ञेय नसेल. ही एकस्तर पदोन्नतीची योजना दि.१ जुलै, २००२ पासून अंमलात येईल आणि ती संबंधित कमचारी/अधिकारी आदिवासी/नक्षलग्रस्त क्षेत्रात कायरात असेपयन्तच अनुज्ञेय राहिल. त्या क्षेत्रातून कमचारी/अधिकारी बिगर आदिवासी क्षेत्रात परत आल्यावर तो त्यांच्या मूळच्या संवगातील वेतनश्रेणीत पूर्वाच्या वेतनाच्या अनुषंगाने वेतन घेईल."

5. From the plain reading of the G.R., it appears that the G.R. dated 06/08/2002 is applicable to the Scheduled Tribal area and also for naxalite area. The areas defined in the G.R. of 2004 in respect of naxalite area, the G.R. dated 09/03/1990 shows that villages Gara,

Sawara and Pipriya of Nagpur District, are enlisted in the tribal area. As per contents of the G.R. dated 06/08/2002, the employees who are working in the tribal / naxalite areas, are entitled to get promotional pay. The G.R. of 2004 is only in respect of naxalite area. This G.R. does not show that the tribal areas are excluded from the benefit of G.R. dated 06/08/2002. The G.R. dated 06/08/2002 clearly shows that the employees who are working in tribal area or naxalite area, are entitled to get promotional pay. The applicants are working in the tribal area, therefore, they are entitled to get benefit of G.R. dated 06/08/2002. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to verify the list of villages of tribal area in Nagpur District and pay promotional pay as per the G.R. dated 06/08/2002, if they are eligible for the same.
- (iii) This order is applicable only to the applicants.
- (iv) No order as to costs.

Dated :- 08/03/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 08/03/2023.*