

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 760 of 2023 (S.B.)

- 1) Namdev s/o Nandram Kendre,
A/a 48 years, Occ- Service,
r/o c/o Sachin Meshram, Tah.- Ramtek, Dist.- Nagpur.
- 2) Sheshrao s/o Bhaurao Tule,
A/a 40 years, Occ- Service,
r/o Laxmi Nagar, Murti Road, Plot No. 82,
Tah.- Katol, Dist.- Nagpur.
- 3) Rajesh s/o Prakashrao Kawle,
A/a 45 years, Occ- Service,
R/o At Post Pipri, Ariv, Tah.- Arvi, Dist.- Wardha.
- 4) Sunil s/o Shankarrao Dekhankar,
a/a 50 yrs., Occ.- Service, r/o Talegaon, Arvi, Dist.- Wardha.
- 5) Jakir s/o Bashirsab Shaikh,
A/a 31 years, Occ-Service,
R/o At & post Yaldara, Tah.- Jalkot, Dist.- Latur.
- 6) Sunil s/o Bapurao Bhalerao,
a/a 35 yrs., Occ.-Service,
r/o At Rithora, Tah.- Wasman, Dist.-Hingoli.
- 7) Mahadeo s/o Dyanoba Munde,
A/a 32 years, Oce-Service, At & Post Badwani,
Tah.- Gangakhed, Dist.- Parbhani.
- 8) Ku. Tai d/o Navnath Fad,
A/a 34 years, Oce-Service,
At & Post Umbadi, Tah.- Gangakhed,
Dist.- Parbhani.
- 9) Atul s/o Rambhau Deokar,
A/a 38 years, Occ- Service,
r/o Shelgaon, Tah.- Barshi, Dist.- Solapur.
- 10) Pravin s/o Nihalsingh Naik,
A/a 48 years, Occ- Service, Plot No. 14, New Ganesh Colony,
Behind Durga Mandir, Ranapratap Nagar, Nagpur.

- 11) Sayyad Sohaib Rizwi Sayyad Ashfaq Rizwi,
A/a 47 years, Occ- Service, r/o Near Uttarwala House,
Mahal Road, Mahal Ward Bhandara, Dist.- Bhandara.
- 12) Vinil s/o Pralhad Hatwar,
A/a 36 years, Occ- Service,
r/o Panchasheel Ward, Sakoli, Dist.- Bhandara
- 13) Satish s/o Dineshwar Raut,
A/a 31 years, Occ- Service,
R/o Khambi, Pipalgaon, Tah.- Arjuni-Mor, Dist.- Gondia.
- 14) Gajanan s/o Prabhakar Kunghadkar,
A/a 37 yrs., Occ.- Service,
r/o Thaki Mohalla Ward No. 2, Navegaon,
Tah.- Charmorshi, Navegaon, Dist- Gadchiroli.
- 15) Mahadeo s/o Mansaram Bisen,
A/a 49 years, Occ- Service,
r/o Nehru Ward, Near Bus Stop Tirora, Dist.- Gondia.
- 16) Ku. Kineshwari d/o Shobhilal Choudhari
A/a 34 years, Occ- Service,
r/o At- Dawwa, Post- Karanja,
Tah.- Goregaon, Dist- Gondia.
- 17) Smt. Nisha w/o Arjunrao Deshmukh
A/a 40 years, Occ- Service,
r/o Lilaarjun Palace, Durga Society, Pedhe Layout,
New Yerkhada, Tah.- Kamptee, Dist.- Nagpur.
- 18) Sagar s/o Shrikrishanaro Bansod,
A/a 41 years, Occ-Service,
r/o Near Dr. Chafle Hospital,
Kishor Nagar, Amravati, Dist.- Amravati.
- 19) Rahul s/o Rameshrao Sardar
a/a 38 yrs., Occ.- Service,
r/o In front of Income Tax Office, Seminary Hill, Nagpur
- 20) Dilip s/o Vithalrao Kailuke
A/a 50 yrs., Occ.- Service,
r/o Seminary Hills, Nagpur, Dist.-Nagpur.

- 21) Shriram s/o Devidad Kakad
a/a 33 yrs., Oce-Service
r/o Ghargundi, Post-Mehuna Raja
Tah.- Deulgaon Raja, Dist.- Buldhana.
- 22) Jitendra s/o Sadashiv Barsagade,
a/a 49 yrs., Occ.-Service,
r/o Duplex No. 91/A, Orange City Park, Yerkheda,
Tah.- Kamptee, Dist.-Nagpur.
- 23) Onkar s/o Atmaram Meshram
a/a 48 yrs., Occ.- Service,
r/o At Churdi, Tah.- Tirora, Dist.- Gondia.
- 24) Pravin s/o Laxman Sathavane,
a/a 48 yrs., Occ.- Service r/o H.No. 1929,
Somalwada, Near Hanuman Mandir, Zendachowk,
Nagpur, Dist.- 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, (Territorial), Zero Mile, Nagpur,
Dist.- Nagpur.
- 4) The Conservator of Forest & Field Director, (Wild Life),
Zero Mile, Nagpur.
- 5) The Deputy Director,
Pench Tiger Project, Zero Mile, Nagpur.
- 6) The Asst. Conservator Of Forest,
Pench Tiger Project, Ramtek, Tah- Ramtek, Dist. Nagpur.
- 7) The Additional Treasury Officer, Sub-Treasury Office,
Ramtek, Distt. Nagpur.
- 8) The Dy. Director, Pay Verification Unit, Nagpur.

Respondents.

**Shri V.R. Borkar, Advocate for the applicants.
Shri A.M. Khadatkhar, learned P.O. for respondents.**

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

Dated :- 01/03/2024.

J U D G M E N T

Heard Shri V.R. Borkar, learned counsel for the applicants and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The case of the applicants in short is as under -

All the applicants are / were posted in the tribal area of Nagpur district, but they are not paid promotional pay as per the G.R. dated 06/08/2002. Hence, all the applicants approached to this Tribunal for the following reliefs-

"i) By Suitable writ, order or direction, direct the respondents department to extend the benefits of Govt. Resolution dated 06.08.2002 issued by the General Administration Department, State of Maharashtra, by granting one step promotional pay scale for the post applicants were held as per Annexure-A1.

ii) By suitable writ, order or direction the respondents may kindly be directed to pay the arrears from the date of applicants posted in the tribal area till they were served in the tribal notified area as per G.R. dated 09.03.1990 for the period of their actual service in tribal Notified area as per Annexure-A1."

3. The O.A. is strongly opposed by the respondents. It is submitted in para-7 of reply as under –

“(7) It is submitted that, under the Pench Tiger Project in the Ramtek Tahsil of Nagpur District, the areas like East Pench Pipariya/ Deolapar (Forest Life)/ Chorbahuli (Forest life)/ Pawni Assorted Control/ Special Tiger Protection Areas are coming under the tribal areas and hence as per the Govt. Resolution dated 06.08.2002, the Govt. was requested for the grant of one step promotion benefits and accordingly the Original Application No.673/2022 was filed before the Hon'ble Maharashtra Administrative Tribunal, Bench Nagpur. Accordingly the Tribunal vide its order dated 08.03.2023 has held that "The applicants are working in the Tribal Area, therefore they are entitled to get benefit of Govt. Resolution dated 06.08.2002. Hence the following order is passed:-

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 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.”

4. It is further submitted that the applicants were not continuously working in tribal and therefore they are not entitled for promotional pay as per G.R. dated 06/08/2002.

5. This Tribunal has decided O.A.No.673/2022 and other O.As. also directing the respondents to pay promotional pay as per G.R. dated 06/08/2002.

6. As per the reply in para-7 there is no dispute that applicants were / are working in the tribal area of Nagpur district i.e.

Tq. Ramtek. The material part of the G.R. dated 06/08/2002 is reproduced below –

"आदिवासी क्षेत्रातील बिकट परिस्थितीत शासनाच्या योजनांची प्रभावीपणे अंमलबजावणी करणाऱ्या शासकीय अधिकारी/कर्मचारी 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 / कर्मचाऱ्यांच्या अडीअडचणी दूर व्हाव्यात आणि त्यांना जोमाने काम करण्यास प्रोत्साहन मिळावे याकरीता विविध सवलती देण्यात आलेल्या आहेत त्यात सुधारणा करणे तसेच काही अतिरिक्त सवलती देण्याची बाब शासनाच्या विचाराधीन होती.....

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

7. As per G.R. dated 06/08/2002, the employees who are working in the tribal / naxalite area are entitled to get one promotional pay till they actually worked in that area. As per the submission of learned P.O., the applicants were intermittently posted in the tribal

area, therefore, they cannot seek promotional pay continuously. There is no dispute that the Government of Maharashtra has decided that as per the G.R. dated 06/08/2002 to pay promotional pay to the employees who are posted in naxalite / tribal area. The applicants are entitled to get the same promotional pay of the period in which they were actually posted in the tribal area. 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 G.R. dated 06/08/2002 in respect of the period the applicants actually worked in the tribal area. This order is applicable to the applicants only.

(iii) No order as to costs.

Dated :- 01/03/2024.

(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 : 01/03/2024.