

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.1027 of 2023 (S.B.)**

- 1) Sadwali S/o Samayya Kummari,
Age: 42 years, Occupn: Service,
R/o. C/o. Sub-Centre, Bandra Primary Health Centre, Karvai,
Tq. Ramtek, Dist. Nagpur.
- 2) Abhaykumar s/o Dineshchandra Raikwar,
Age: 50 years, Occupn: Service,
R/o Sub-Centre, Deolapar, Primary Health Centre,
Karvai, Tah. Ramtek, Dist. Nagpur.
- 3) Salim s/o Shakur Sheikh,
Age: 50 years, Occupn: Service,
R/o. C/o. Sub-Centre, Pipriya, Primary Health Centre,
Karvai, Tah. Ramtek, Dist. Nagpur.
- 4) Harish s/o Shrawanji Nagare,
Age: 40 years, Occupn: Service,
R/o. C/o. Sub-Centre, Tangla,
Primary Health Centre, Hiwra Bazar, Tah. Ramtek, Dist. Nagpur.
- 5) Haridas s/o Ramarao Ghuge,
Age: 40 years, Occupn: Service,
R/o. C/o. Sub-Centre, Ghoti, Primary Health Centre,
Hiwra Bazar, Tah. Ramtek, Dist. Nagpur.
- 6) Subhash s/o Shramrao Bhandarkar,
Age 44 years, Occupn: Service,
R/o. C/o. Sub-Centre, Dahoda, Primary Health Centre,
Hiwra Bazar, Tah. Ramtek, Dist. Nagpur.
- 7) Atul s/o Bharat Kamble,
Age: 45 years, Occupn: Service,
R/o. C/o. Sub-Centre, Kandhri, Primary Health Centre,
Mansar, Tah. Ramtek, Dist. Nagpur.
- 8) Arvind S/o. Sitaram Themburne,
Age: 40 years, Occupn: Service,
R/o. C/o. Sub-Center, Sitapur, Primary Health Center,
Hiwra Bazar, Tq. Ramtek, Dist. Nagpur.

- 9) Bhimshankar S/o. Gajanan Isalwar,
Age: 52 years, Occ: Service,
R/o. C/o., Sub-Center Hiwrabajar, Primary Health Center,
Hiwrabajar, Tq. Ramtek, Dist. Nagpur.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary, Public Health Department,
Mantralaya, Mumbai-32.
- 2) Joint Director, Health Services (Malaria,
Filaria and Water Borne Diseases) State of Maharashtra,
Arogya Bhawan, in front of Vishrantwadi Police Station,
Yerwada, Pune-6.
- 3) Assistant Director, (Malaria) Nagpur,
Office of Mata Kacheri Compound,
Shraddhanand Peth, Near Deeksha Bhoomi, Nagpur.
- 4) District Malaria Officer,
Nagpur Office at Mata Kacheri Compound,
Shraddhanand Peth, Near Deeksha Bhoomi, Nagpur.
- 5) The Treasury Officer, Nagpur,
Office at Collector Office Compound,
Civil Lines, Nagpur.
- 6) The Deputy Director, Accounts and Treasury,
Civil Lines, Nagpur.

Respondents.

Shri Shankar Borkute, Advocate for the applicants.

Shri V.A. Kulkarni, learned P.O. for the respondents.

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

Dated :- 26/02/2024.

JUDGMENT

Heard Shri Shankar Borkute, learned counsel for the applicants and Shri V.A. Kulkarni, learned P.O. for the respondents.

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

All the applicants are posted in the tribal area in the Nagpur District. All the applicants are posted as per the Chart given below –

No.	Name of applicants	Appointment	Working place
1	Sarwali S. Kummari	07/07/2018	Bandra
2	Abhaykumar D. Raikwar	30/07/2018	Deolapar
3	Salim S. Sheikh	03/07/2018	Pimpriya
4	Harish S. Nagare	03/07/2018	Tangla
5	Haridas R. Ghuge	03/07/2018	Ghoti
6	Subhash Shramrao Bhandarkar	03/07/2018	Dohada
7	Atul Bharat Kamble	12/08/2021	Kandri
8	Arvind Sitaram Themburne,	10/07/2018	Sitapur
9	Bhimshankar G. Isalwar	03/07/2018	Hiwrabajar

3. As per the Notification issued by the Government of Maharashtra, dated 09/03/1990 the villages namely Bandra, Deolapar, Pipriya, Tangla, Ghoti, Dahoda, Kandri, Sitapur and Hiwrabajar are included in the list of tribal area.

4. It is the contention of the applicants that as per the G.R. dated 06/08/2002 they are entitled to get promotional pay. The

respondents have 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 –

“(9) (i) Allow the present original application;

(ii) Direct the Respondents to grant the benefit of one step promotional/next higher promotional pay scale and other allowances as per the Govt. Resolution dated 6/8/2002 (Annexure A-4) to the applicants from the date of their posting in the Tribal Area of Ramtek Tahsil of Nagpur District, in the interest of justice.

(iii) Direct the Respondents to release the arrears become due after fixation of one step promotional/next higher pay as per G.R. dated 06/08/2002 (Annexure-A-4); alongwith 18% p.a. interest from the date of joining of the applicants in Tribal area of Ramtek Tahsil;

(10) By way of interim relief, direct the Respondents to pay regular salary as per the one step promotional pay scale as per the Govt. Resolution dt. 6/8/2002 (Annexure-A-4); till final decision of original application, in the interest of justice.”

5. The O.A. is strongly opposed by respondent no.6. It is submitted that the applicants are not appointed / posted in naxalite area and therefore they are not entitled to get promotional pay.

6. During the course of submission, the learned counsel for applicants has pointed out the G.R. dated 06/08/2002. Clause-7 of the G.R. (P-69) is very clear. It is reproduced below –

“७) सर्व पदांसाठी एकस्तर पदोन्नती :-

आदिवासी व नक्षलग्रस्त क्षेत्रात काम करण्यासाठी प्रोत्साहन म्हणून गट 'अ' ते '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 अधिकाऱ्यांना सेवांतर्गत आश्वसित 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 त्याच्या मूळच्या संवर्गातील वेतनश्रेणीत पूर्वीच्या वेतनाच्या अनुषंगाने वेतन घेईल.”

7. As per the G.R. dated 06/08/2002, the employees who are posted in the naxalite area / tribal area, are entitled to get promotional pay. The learned counsel for applicants has pointed out the Judgment of this Tribunal in O.A.No.673/2022, dated 08/03/2023. This Tribunal has held that the employees who are working in tribal area of Nagpur District are entitled to get promotional pay as per the 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 to the applicants as per the G.R. dated 06/08/2002, if they are eligible for the same.

Dated :- 26/02/2024.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/02/2024.