

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.820 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)**

DISTRICT : JALGAON

Yogesh S/o. Bhagwan Sonawane,)
Age : 26 Years, Occu. : Forest Guard,)
R/o. Adawad Forest Depo,)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

**ORIGINAL APPLICATION NO. 821 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)**

DISTRICT : JALGAON

Shital Tulshiram Mali,)
Age : 34 Years, Occu. : Forest Guard,)
R/o Raghuvansh Plaza Big Maliwada)
Nagvalwadi Road, Chopda,)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)

2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 822 OF 2019
(Subject -Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Rohidas S/o Murlidhar Patil,)
Age : 46 Years, Occu.: Forest Guard,)
R/o. Borwale 2 Chopda,)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 823 OF 2019
(Subject -Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Tukaram S/o Baburav Lavte)
Age : 35 Years, Occu.: Forest Guard,)
R/o. Chopda,)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 824 OF 2019
(Subject -Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Dinesh S/o Prushottam Devre,**)
Age : 42 Years. Occu. : Forest Guard,)
R/o Range Forest Office Chopda)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yaval Forest Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 825 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON****Balaji S/o Piraji Johare**)

Age : 44 Years, Occu. : Forest Guard,)

R/o Range Forest Office Yaval)

Tq. Yaval, Dist. Jalgaon.).... **APPLICANT****V E R S U S****1. The State of Maharashtra**)

Through its Secretary,)

Department of Revenue & Forest,)

Mantralaya, Mumbai-32.)

2. The Chief Conservator of Forest,)

Region Dhule.)

3. The Deputy Conservator of Forest,)

Yaval Forest Division, Jalgaon.)

4. The Sub Treasury Officer,)

Near Tahasil Office, Faijpur Road,)

Yawal, Tal. Yawal, Dist. Jalgaon.)...**RESPONDENTS****WITH****ORIGINAL APPLICATION NO. 826 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON****Khalil S/o Yakub Shaikh**)

Age : 39 Years, Occu. : Forest Guard,)

R/o. 82 Ashianan Colony Near National School,))

Tq. Chopda, Dist. Jalgaon.).... **APPLICANT****V E R S U S****1. The State of Maharashtra**)

Through its Secretary,)

Department of Revenue & Forest,)

Mantralaya, Mumbai-32.)

2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office,)
Chopda, Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 827 OF 2019
(Subject -Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Rohini Prashant Sonar**)
Age : 33 Years, Occu.: Forest Guard,)
R/o Samarth Nagar Old Sawda Road Raver,)
Tq. Raver, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer, Raver,**)
New Tahasil Office, Station Road Raver,))
Tq. Raver, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 828 OF 2019
(Subject -Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Shaligram S/o Kisan Kankhare,**)
Age : 51 Years, Occu. : Forest Guard,)
R/o Madhuban Nagar/Pankaj Nagar Chopda,))
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 829 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Nilam Ashok Pardeshi**)
Age : 29 Years, Occu. : Forest Guard,)
R/o Forest Range Office Raver,)
Tq. Raver, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yaval Forest Division, Jalgaon.)
4. **The Sub Treasury Officer, Raver,**)
Near New Tahasil Office, Station Road,)
Raver, Tal. Raver, Dist. Jalgaon.)...**RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 830 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON**

Roshni Bhagwan Pawar)
 Age : 30 Years, Occu. : Forest Guard,)
 R/o 70, Pitashri Nivas Bhagyoday Nagar)
 Nagalwadi Road, Chopda,)
 Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
 Through its Secretary,)
 Department of Revenue & Forest,)
 Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
 Region Dhule.)
3. **The Deputy Conservator of Forest,**)
 Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
 Near Tahasil Office, Chopda,)
 Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 831 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON**

Dipika Madhukar Palve,)
 Age : 32 Years, Occu. : Forest Guard,)
 R/o 70, Pitashri Nivas Bhagyoday Nagar)
 Nagalwadi Road, Chopda,)
 Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
 Through its Secretary,)
 Department of Revenue & Forest,)
 Mantralaya, Mumbai-32.)

2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 832 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Sunita Subhash Patil)
Age : 31 Years, Occu. : Forest Guard,)
R/o Borwali Nagar 3, Chopda,)
Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yaval Forest Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 837 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Sarika Narayanrao Kadam)
Age : 32 Years, Occu. : Forest Guard,)
R/o Forest Range Office Yaval West,)
Tq. Yaval, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Faijpur Road,)
Yawal, Tal. Yawal, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 838 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Ashwini Rajendra Dhatrak**)
Age : 32 Years, Occu. : Forest Guard,)
R/o Durgamata Nagar Nhavi,)
Tq. Yaval, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Region Dhule.)
3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
Near Tahasil Office, Faijpur Road,)
Yawal, Tq. Yawal, Dist. Jalgaon.)...**RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 839 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON**

Bhavna Arun Sangore)
 Age : 33 Years, Occu. : Forest Guard,)
 R/o Sidhivinayak Coloney Plot No. 4 B,)
 Chopda, Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
 Through its Secretary,)
 Department of Revenue & Forest,)
 Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
 Region Dhule.)
3. **The Deputy Conservator of Forest,**)
 Yaval Forest Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
 Near Tahasil Office, Chopda,)
 Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH**ORIGINAL APPLICATION NO. 915 OF 2019
(Subject –Recovery/Pay Fixation as per G.R.)****DISTRICT : JALGAON**

Roshni Sahadev Zatale)
 Age : 20 Years, Occu. : Forest Guard,)
 R/o. Satrasen,)
 Tq. Chopda, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
 Through its Secretary,)
 Department of Revenue & Forest,)
 Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
 Region Dhule.)

3. **The Deputy Conservator of Forest,**)
Yawal Division, Jalgaon.)
4. **The Sub Treasury Officer,**)
behind Tahasil Office, Chopda,)
Tq. Chopda, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 324 OF 2022
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Govardhan S/o Babruwan Dongre)
Age : 31 Years, Occu. : Forest Guard,)
R/o Nhavi,)
Tq. Yaval, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Near S.R.P. Ground, Region Dhule,)
Tal. & Dist. Dhule.)
3. **The Conservator of Forest,**)
Near Trimbak Naka, Aranya Sankul)
Building, (Wild life), Nashik.)
Tal. & Dist. Nashik.)
4. **The Sub Treasury Officer,**)
behind Tahasil Office, Yaval,)
Tal. Yaval, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 719 OF 2022
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

Dutta S/o Laxmanrao Sangvikar)
Age : 51 Years, Occu. : Forest Guard,)
R/o Mohmandli,)
Tq. Raver, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Near S.R.P. Ground, Region Dhule,)
Tal. & Dist. Dhule.)
3. **The Conservator of Forest,**)
Near Trimbak Naka, Aranya Sankul)
Building, (Wild life), Nashik.)
Tal. & Dist. Nashik.)
4. **The Sub Treasury Officer,**)
behind Tahasil Office, Yaval,)
Tal. Yaval, Dist. Jalgaon.)...**RESPONDENTS**

WITH

ORIGINAL APPLICATION NO. 720 OF 2022
(Subject –Recovery/Pay Fixation as per G.R.)

DISTRICT : JALGAON

- Sambhaji S/o Ramchadra Suryawanshi**)
Age : 40 Years, Occu. : Forest Guard,)
R/o Forest Range office Raver,)
Tq. Raver, Dist. Jalgaon.).... **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through its Secretary,)
Department of Revenue & Forest,)
Mantralaya, Mumbai-32.)
2. **The Chief Conservator of Forest,**)
Near S.R.P. Ground, Region Dhule,)
Tal. & Dist. Dhule.)
3. **The Deputy Conservator of Forest,**)
Near R.T.O. Office, Yawal Division,)
Jalgaon, Tal. & Dist. Jalgaon.)

4. The Sub Treasury Officer,)
 New Tahasil Office, Raver,)
 Tal. Raver, Dist. Jalgaon.)...**RESPONDENTS**

APPEARANCE : Shri S.R. Sapkal, learned Counsel for Applicants in all these matters.

: Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent authorities in all these matters.

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman

DATE : **15.09.2023.**

ORAL - ORDER

1. Heard Shri S.R. Sapkal, learned counsel appearing for the applicants in all these matters and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer appearing for respondent authorities.

2. Since in all these matters the issue raised is common and the relief which has been claimed is identical, I have heard all these matters together and deemed it appropriate to decide all these applications by this common order.

3. All these applicants, who are the employees of the Forest Department, were posted in the Tribal/Naxalite Affected Area for certain period. The Government Resolution

dated 06.08.2002 provides some additional payment to the Government employees working in the Tribal/Naxalite Affected Area. According to the applicants, since they all were working on the post of Forest Guard while posted in the Tribal/Naxalite Affected Area, they were entitled to get wages of the next higher post i.e. Forester till they worked in the Tribal/Naxalite Affected Area. It is the contention of all these applicants that accordingly the respondents, though had started giving wages in higher pay scale, subsequently vide impugned orders (the impugned orders in all these matters are of different dates and the said information is provided in the tabulare form appended to the present order as Appendix 'A') withdrew the pay scale which was revised and also directed recovery of amount allegedly paid in excess of the entitlement to the applicants.

4. After having served with the aforesaid notices, the applicants approached this Tribunal and this Tribunal by way of an interim relief has stayed the order of recovery. Majority of matters were immediately filed in the year 2019 and few matters came to be filed subsequently. The delay occasioned in filing those applications has been condoned by this Tribunal and other three matters were also tagged with the matters filed in the year 2019 and are today heard together.

5. After having gone through the pleadings of the parties, it appears to me that had the respondents issued the notices to the applicants before directing the recovery and if the applicants would have been given opportunity of hearing, perhaps the applicants would not be required to approach the Tribunal. The G.R. dated 06.08.2002 is quite explicit. So long as the Government employee works in the notified Tribal/Naxalite Affected Area, he is entitled for wages of the next higher post. If it is the case of the respondents that the pay of some of the applicants was earlier wrongly fixed even then before making any modification or directing recovery, the respondents must have served the concerned applicant with a notice and the opportunity must have been given to the applicant concerned to put forth his submissions.

6. Learned Counsel for the applicants submitted that the applicants are ready to appear before the competent authority and explain how the recovery is wrongly directed against them. The learned Counsel, therefore, prayed for disposing of all these matters with directions to the respondent no.2 and 3 to give personal hearing to all these applicants in regard to the recovery directed against them and for their entitlement of the wages as per the provisions under GR dated

06-08-2002 while working under the tribal/naxalite affected area. Learned PO has consented for passing such order.

7. From the facts which have come on record, it is apparently revealed that, the impugned orders are passed without giving any opportunity of hearing to the applicants or even without any show cause notice to them. In the circumstances, I see no difficulty in accepting the suggestion of the learned Counsel for the applicants to dispose of the present O.A. by giving directions to respondent no.2 and 3 to give personal hearing to all these applicants on the issue of wages paid to them or are being paid to them while working in the tribal/ naxalite affected area and where any recovery is liable against the applicants and to take the appropriate decision thereafter.

8. I re-iterate that learned PO has consented for passing such orders. In view thereof following order is passed:

ORDER

- (i) The orders impugned in all these OAs stand set aside.
- (ii) Respondent no.2 and 3 are directed to give personal hearing to all these applicants on the issue of wages paid to them or are being paid to them while working in the tribal/naxalite affected area, and about the

sustainability of the recovery directed against them and to take a fresh decision thereafter.

(iii) The aforesaid exercise has to be completed within the period of 6 months from the date of this order, till then the respondents shall not cause any recovery on the basis of the earlier orders.

(iv) With the directions as aforesaid, all these OAs stand disposed of, however, without any order as to costs.

(Justice P.R. Bora)
Vice Chairman

PLACE : Aurangabad.

DATE :15.09.2023

SAS O.A.No.820 of 2019 & Ors. PRB Recovery