

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.1157/2023(S.B.)**

1. Antariksh S/o Damodhar Kumbhare,  
Age: 32 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
2. Dr. Balaji S/o. Hanamantrao Pote,  
Age: 39 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
3. Ku. Pragati D/o Sudhakar Ramteke,  
Age: 31 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
4. Shrikant S/o Gajanan Didmute,  
Age: 30 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
5. Pratik S/o Prabhakar Dawalbaje,  
Age: 31 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
6. Shabeena S/o Nashir Sheikh,  
Age 31 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.

7. Ku. Nisha D/o Sureshrao Dhawale,  
Age: 34 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
8. Nishant S/o. Sarman Birha,  
Age: 34 years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
9. Ku. Priti D/o. Ravindra Thombe,  
Age: 30 years, Occ: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
10. Kamlakar S/o. Bhimrao Vaidya,  
Age 36 Years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
11. Ku. Monika D/o. Shivaji Narwade,  
Age 29 Years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
12. Ku. Swati D/o. Jaishing Jankar,  
Age 30 Years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.
13. Vinay S/o. Vijay Bohat,  
Age 33 Years, Occ.: Service,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.

14. Ku. Trupti D/o. Rambhau Bhure,  
Age 41 Years, Occ.: Sevice,  
R/o. C/o. Rural Hospital Deolapar,  
Tq. Ramtek, Dist. Nagpur.

**Applicants.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Public Health Department,  
Mantralaya, Mumbai-32.
- 2) The Director,  
Health Services, Maharashtra State,  
Central Building, Agarkar Nagar,  
Pune-4411001.
- 3) The Deputy Director,  
Health Services, Nagpur Division,  
Office of Mata Kacheri Compound,  
Shraddhanand Peth, Near Deeksha Bhoomi,  
Nagpur.440010.
- 4) The Sub-Treasury Officer,  
Ramtek, Office at Near Police Station Ramtek,  
Tq. Ramtek, Dist. Nagpur.
- 5) The Deputy Director,  
Accounts and Treasury,

Civil Lines, Nagpur.

**Respondents**

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Shri S.Borkute, Ld. Counsel for the applicants.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 05<sup>th</sup> February, 2024.**

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**JUDGMENT**

**Judgment is reserved on 31<sup>st</sup> January, 2024.**

**Judgment is pronounced on 05<sup>th</sup> February, 2024.**

Heard Shri S.Borkute, learned counsel for the applicants and  
Shri A.P.Potnis, learned P.O. for the respondents.

2. Necessary details in respect of the applicants are as follows-

Sr. No.	Name of Employees	Designation	Date of appointment	Date of joining at Deolapar
1	Antariksh Kumbhare	Junior Clerk	29/01/2018	29/01/2018
2	Dr.Balaji Pote	Medical Officer	21/05/2015	19/10/2020
3	Pragati Ramteke	Staff Nurse	14/02/2018	14/02/2018
4	Shrikant Didmute	Attendant	28/08/2017	28/08/2017
5	Pratik Dawalbaje	Pharmacy Officer	24/08/2017	24/08/2017
6	Shabeena Sheikh	Staff Nurse	12/02/2018	12/02/2018
7	Nisha Dhawale	Attendant	22/08/2017	22/08/2017
8	Nishant Birha	Safai Karmachari	07/11/2009	11/06/2016
9	Priti Thombe	Staff Nurse	10/05/2021	10/05/2021

10	Kamlakar Vaidya	Attendant	27/10/2017	27/10/2017
11	Monika Narwade	Lab Technician	26/04/2021	26/04/2021
12	Swati Jankar	Staff Nurse	15/05/2021	15/05/2021
13	Vinay Bohat	Safai Karmachari	04/03/2020	04/03/2020
14	Trupti Bhure	Attendant	22/08/2017	22/08/2017

3. It is the contention of the applicants that they are entitled to benefits flowing from Clause-3(7) of G.R. dated 06.08.2002 in the form of One Step Promotional Pay Scheme since they are working in the Tribal Area.

4. The issue is no longer *res-integra*. Para 6 and 8 of Judgment of this Bench dated 18.01.2024 in O.A.Nos.592 & 626/2023 lay down the position as follows-

6. *In judgment dated 08.03.2023 in O.A. No. 673/2022 (A-6) this Bench held :-*

*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 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 प्रोत्साहनपरसवलतीही 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 एकस्तरपदोन्नती : 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/अधिकाऱ्यांना सेवांतर्गत आशवासित प्रगती योजनेचा लाभ देण्यात आलेला आहे त्यांना आणखी वरिष्ठ पदाच्या वेतनश्रेणीचा लाभअनुज्ञेय 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.”

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 are 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.

8. In judgment dated 08.03.2023 this Bench has concluded that benefit of G.R. dated 06.08.2002 is to be extended to employees working in Tribal Area as well and G.R. of 2004 which speaks only about extending benefit of G.R. dated 06.08.2002 to employees working in Naxal Area,

*does not exclude from its purview Tribal Area for extending such benefit. By G.R. dated 09.03.1990 Tribal Areas of various Districts including Nagpur have been notified. These being the facts, order identical to the one passed on 08.03.2023 in O.A. No. 673/2022 will have to be passed by applying principles of parity and judicial discipline.*

Hence, the 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 the applicants are eligible for the same.
- (iii) This order is applicable only to the applicants.
- (iv) No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 05/02/2024  
rsm.

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

Name of Steno : Raksha Shashikant Mankawde  
Court Name : Court of Hon'ble Member (J).  
Judgment signed on : 05/02/2024.  
and pronounced on  
Uploaded on : 06/02/2024.