

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 592/2023 (S.B.)**

1. Shri Roshan Pandhari Choudhari,
Aged about 33 years, Occu. : Service.
2. Shri Vilash Vitthal Dhore,
Aged about 37 years, Occu. : Service.
3. Ku. Priya Marotrao Ghati,
Aged about 30 years, Occu. : Service.
4. Shri Nitin Panjabrao Chankapure,
Aged about 35 years, Occu. : Service.
5. Chandrashekhar Prabhakar Nighot,
Aged about 38 years, Occu. : Service.
6. Shri Kiran Vilashrao Kadam,
Aged about 32 years, Occu. : Service.
7. Shri Ravikant Mahadeo Bhande,
Aged about 32 years, Occu. : Service.
8. Shri Ritesh Budhdham Pantawane,
Aged about 32 years, Occu. : Service.

9. Shri Praful Durvas Khobragade,
Aged about 33 years, Occu. : Service.
10. Shri Praful Manohar Ghorpade,
Aged about 37 years, Occu. : Service.
11. Ku. Priya Jayant Tagade,
Aged about 33 years, Occu. : Service.
12. Shri Vyankatesh Ashok Watmode,
Aged about 32 years, Occu. : Service.
13. Ku. Varsha Jairam Dakhane,
Aged about 32 years, Occu. : Service.
14. Shri Satish Deoram Shendre,
Aged about 31 years, Occu. : Service.
15. Shri Gaurav Mehtar Patle,
Aged about 29 years, Occu. : Service.
16. Shri Anupkumar Sitaram Chikhlonde,
Aged about 33 years, Occu. : Service.
17. Shri Pankaj Ganpat Lamse,
Aged about 34 years, Occu. Service.

18. Jitendrakumar Ghanshyam Nagpure,
Aged about 34 years, Occu. : Service.
19. Shri Manojkumar Gorelal Nagpure,
Aged about 35 years, Occu. : Service.
20. Shri Arvindkumar Abhimanyu Parteti,
Aged about 32 years, Occu. : Service.
21. Shri Shankar Parmeshwar Gite,
Aged about 31 years, Occu. : Service.
22. Shri Dinesh Kumbhakarn Padwal,
Aged about 36 years, Occu. : Service.
23. Ku. Indira Akhadu Dhurve,
Aged about 33 years, Occu. : Service.
24. Ku. Priti Ravishankar Parteki,
Aged about 36 years, Occu. : Service.
25. Shri Sanjeshkumar Shalikram Kosare,
Aged about 31 years, Occu. : Service.
26. Ku. Kalyani Bhaskar Rahile,
Aged about 30 years, Occu. : Service.

27. Shri Ravindra Subhashrao Porate,
Aged about 33 years, Occu. : Service.
28. Shri Lalit Radheshyam Yelekar,
Aged about 32 years, Occu. : Service.
29. Shri Ajay Maroti Ambade,
Aged about 30 years, Occu. : Service.
30. Ku. Manda Balchand Bisen,
Aged about 32 years, Occu. : Service.
31. Shri Sunil Mahesh Ukey,
Aged about 34 years, Occu. : Service.
32. Ku. Aarti Ashok Bhakare,
Aged about 32 years, Occu. : Service.
33. Ku. Varsha Ramesh Kulat,
Aged about 33 years, Occu. : Service.
34. Shri Radheshyam Bhagawandas Patle,
Aged about 34 years, Occu. : Service.
35. Shri Omprakash Nilkant More,
Aged about 36 years, Occu. : Service.

36. Shri Devendra Shankar Zode,
Aged about 35 years, Occu. : Service.
37. Ku. Kirti Rajendra Tandekar,
Aged about 36 years, Occu. : Service.
38. Shri Pravin Narayan Amnar,
Aged about 34 years, Occu. : Service.
39. Shri Deepak Gangaram Bodalkar,
Aged about 38 years, Occu. : Service.
40. Shri Vijay Nilchand Rahangdale,
Aged about 33 years, Occu. : Service.
41. Ku. Aarti Inamdar Fule,
Aged about 34 years, Occu. : Service.
42. Shri Suresh Yeshorao Patle,
Aged about 36 years, Occu. : Service.
43. Ku. Shubhangi Madhukar Gayakwad,
Aged about 36 years, Occu. : Service.
44. Ku. Nanda Devendra Somkuwar,
Aged about 35 years, Occu. : Service.

45. Ku. Rupali Rambhau Bante,
Aged about 33 years, Occu.: Service.
46. Shri Indal Subhash Rathod,
Aged about 43 years, Occu. : Service.
47. Shri Surendra Ramrao Patil,
Aged about 32 years, Occu. : Service.
48. Shri Yogesh Tejabrao Napte,
Aged about 37 years, Occu. : Service.
49. Ku. Madhuri Prabhu Nyaymurti,
Aged about 32 years, Occu. : Service.
50. Shri Yogesh Sudhakar Nehare,
Aged about 33 years, Occu. : Service.
51. Ku. Pooja Prakash Kukadkar,
Aged about 33 years, Occu. : Service.
52. Shri Gajadhar Kishan Rathod,
Aged about 35 years, Occu. : Service.
53. Shri Rajeshwar Sitaram Lakhade,
Aged about 32 years, Occu. : Service.

54. Shri Sachin Dadaji Landge,
Aged about 36 years, Occu. : Service.
55. Ku. Sapna Parmanand Meshram,
Aged about 33 years, Occu. : Service.
56. Shri Maroti Ganpat Kendre,
Aged about 36 years, Occu.: Service.
57. Shri Sharad Bajirao Sanap,
Aged about 36 years, Occu. : Service.
58. Ku. Vatsala Laxman Rathod,
Aged about 37 years, Occu. : Service.
59. Ku. Bhagyashri Namdeo Rathod,
Aged about 33 years, Occu. : Service.
60. Shri Gopichand Sitaram Sahare,
Aged about 38 years, Occu. : Service.
61. Ku. Anita Debilal Sonwane,
Aged about 30 years, Occu. : Service.
62. Ku. Megha Vasant Dhanode,
Aged about 33 years, Occu. : Service.
63. Shri Kishor Vijay Chauvhan,

- Aged about 35 years, Occu. : Service.
64. Shri Maroti Trayambak Mundhe,
Aged about 35 years, Occu. : Service.
65. Ku. Sunita Vinayak Nagargoje,
Aged about 33 years, Occu. : Service.
66. Shri Maheshshankar Dagadu Thanke,
(Dead) through his wife
Smt. Priya w/o Mahesh Thanke,
Aged about 33 years, Occu. : Service.
67. Shri Tushar Sudhakarrrao Dhote,
Aged about 33 years, Occu. : Service.
68. Shri Pankesh Sampat Mate,
Aged about 38 years, Occu. : Service.
69. Shri Vitthal Shankar Sodgir,
Aged about 38 years, Occu. : Service.
70. Ku. Shital Vedraj Kohachade,
Aged about 33 years, Occu. : Service.
71. Shri Rajkumar Ramprasad Kokade,
Aged about 38 years, Occu. : Service.

72. Ku. Anjali Jagdish Pal,
Aged about 30 years, Occu. : Service.
73. Ku. Babita Lakhansingh Vadte,
Aged about 35 years, Occu. : Service.
74. Ku. Vanita Sambhuji Khonde,
Aged about 37 years, Occu. : Service.
75. Shri Chandrakant Venkati Komple,
Aged about 30 years, Occu. : Service.
76. Shri Netlal Fatiram Sindhimeshram,
Aged about 35 years, Occu. : Service.
77. Shri Kailash Hiranman Maraskolhe,
Aged about 32 years, Occu. : Service.
78. Shri Gajanan Sambhuji Dhurve,
Aged about 40 years, Occu. : Service.
79. Ku. Asha Budhaji Kapgate,
Aged about 32 years, Occu. : Service.
80. Ku. Anita Shivdas Katkade,
Aged about 30 years, Occu. : Service.

81. Shri Kundan Yashawant Bhaisare,
Aged about 34 years, Occu. : Service.
82. Ku. Minakshi Mansaram Gonmare,
Aged about 34 years, Occu. : Service.
83. Ku. Seema Atmaram Harde,
Aged about 35 years, Occu. : Service.

All R/o C/o Chief Conservator of Forest (Territorial), Nagpur

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai-32.
- 2) The Principal Chief Conservator of Forest, [Vanbal Pramukh]
Maharashtra State, Civil Lines, Nagpur.
- 3) The Chief Conservator of Forest, (Territorial),
Nagpur.
- 4) The Conservator of Forest & Field Director,
Wild Life, Pench Tiger Reserve,
Nagpur.

- 5) The Deputy Conservator of Forest,
(Territorial), Nagpur Division, Nagpur.
- 6) The Deputy Director, Pench Tiger Reserve, Nagpur.
- 7) The Treasury Officer, Nagpur.
- 8) The Treasury Officer, Wardha.
- 9) The Treasury Officer, Bhandara.
- 10) The Treasury Officer, Gondia.
- 11) The Sub Treasury Officer, Nagpur.
- 12) The Sub Treasury Officer, Wardha.
- 13) The Sub Treasury Officer, Bhandara.
- 14) The Sub Treasury Officer, Gondia.

Respondents

WITH

ORIGINAL APPLICATION NO. 626 OF 2023

1. Aditya s/o Raosaheb Thapde,
aged about 25 years, Occ. Service.

2. Ganpati S/o Adinath Munde,
aged about 28 years, Occ. Service.
3. Santosh S/o Shankar Shinde,
aged 26 years, Occ. Service.
4. Sahdeo Balasaheb Waybase,
aged about 27 years, Occ. Service.
5. Swapnil Rajendra Choudhari,
aged about 27 years, Occ. Service.
6. Akash S/o Pradip Jewde,
aged about 30 years, Occ. Service.
7. Raju S/o Sadashiv Parteti,
aged about 35 years, Occ. Service,
8. Swapnil S/o Vinayak Kusram,
aged about 33 years, Occ. Service.
9. Firoz S/o Chintaman Wagdhare,
aged about 29 years, Occ. Service.
10. Abhijit Rameshrao Balgewar,
aged about 30 years, Occ. Service.

11. Prasad S/o Maroti Kshirsagar,
aged about 25 years, Occ. Service.
12. Vishraj Pandit Solunke,
aged about 27 years, Occ. Service.
13. Nilima Kashinath Pangul,
aged about 31 years, Occ. Service.
14. Nanda Vijay Bawaskar,
aged about 29 years, Occ. Service.
15. Varsha Bansi Jagtap,
aged about 22 years, Occ. Service.
16. Pallavi Laxman Ghumre,
aged about 24 years, Occ. Service.
17. Pooja Krushnarao Harde,
aged about 28 years, Occ. Service.
18. Pravin Baburao Munde,
aged about 28 years, Occ. Service.
19. Vishal Rakhmaji Thapde,
aged about 24 years, Occ. Service.

20. Datta Shankar Lenbhe,
aged about 26 years, Occ. Service.
21. Bandu Narayan Mane,
aged about 26 years, Occ. Service.
22. Akash Siddharth Lavhale,
aged about 30 years, Occ. Service.
23. Shivraj Posheti Barde,
aged about 26 years, Occ. Service.
24. Shubham Natthuji Bele,
aged about 26 years, Occ. Service.
25. Kadu Dashrath Kookllare,
aged about 25 years, Occ. Service.
26. Sahebtrao Ramnath Shelar,
aged about 28 years, Occ. Service.
27. Dhiraj Ramdas Nehte,
aged about 26 years, Occ. Service.
28. Devidas Pandurang Misal,
aged about 25 years, Occ. Service.

29. Aniket Santoshrao Tiwade,
aged about 29 years, Occ. Service.
30. Vishnu Dilip Uchale,
aged about 26 years, Occ. Service.
31. Vikas Bharat Surwase,
aged about 26 years, Occ. Service.
32. Pranita Gopal Rathode,
aged about 27 years, Occ. Service.
33. Prajakta Sanjay Umre,
aged about 25 years, Occ. Service.
34. Shubhangi Yeshwant Kurjeklar,
aged about 27 years, Occ. Service.
35. Ashwini Ashokrao Chandane,
aged about 28 years, Occ. Service.
36. Pranita Gajananrao Tantarpare,
aged about 26 years, Occ. Service.
37. Damini Damodhar Muke,
aged about 26 years, Occ. Service.

38. Prakash Ashruba Jadhav,
aged about 27 years, Occ. Service.
39. Vaishali Sudhakarrao Dhote,
aged about 26 years, Occ. Service.
40. Tukaram Shankarrao Kendre,
aged about 32 years, Occ. Service.

All R/o C/o The Conservator of Forest & Field Director, Wild Life,
Pench Tiger Reserve, Nagpur

Applicants.

1. The State of Maharashtra,
through its Secretary,
Department of Forest & Revenue,
Mantralaya, Mumbai-32.
2. The Principal Chief Conservator of Forest,
[Vanbal State, Pramukh],
Maharashtra State,
Civil Lines, Nagpur.
3. The Chief Conservator of Forest,
(Territorial), Nagpur.

4. The Conservator of Forest & Field Director,
Wild Life, Pench Tiger Reserve,
Nagpur.
5. The Deputy Conservator of Forest, (Territorial),
Nagpur.
6. The Deputy Director, Pench Tiger Reserve,
Nagpur.
7. The Sub Treasury Officer, Ramtek,
Distt.: Nagpur.
8. The Deputy Director, Accounts & Treasury,
Nagpur.

Shri G.G.Bade, Id. Advocate for the applicants.

Shri S.A.Sainis, Id. P.O. for the respondents.

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

JUDGMENT

Judgment is reserved on 11th Jan., 2024.

Judgment is pronounced on 18th Jan., 2024.

Heard Shri G.G.Bade, Id. counsel for the applicants and Shri
S.A.Sainis, Id. P.O. for the Respondents.

2. These two connected O.As. are being decided by this common judgment.

3. Case of the applicants is as follows. The applicants were appointed as Forest Guard and they were working in Pench Tiger Project under Wild Life Division. Thus, they were working in area which is notified as Tribal area by G.R. dated 09.03.1990 (A-4). They are entitled to get benefit of one step promotional pay scheme introduced by G.R. dated 06.08.2002 (A-3). By judgment dated 08.03.2023 (A-6) this Bench has held that benefit of G.R. dated 06.08.2002 was to be extended to the applicants in that proceeding (bearing O.A. No. 673/2022) if they were eligible for the same. On principle of parity the benefit be extended to these applicants as well.

4. In their reply respondents 2 to 6 have averred as follows. As per G.R. dated 09.03.1990 97 Villages in Ramtek Tahsil, District Nagpur have been included in Tribal Zone. Request applications have been received by this respondents to extend benefit of G.R. dated 06.08.2002 to eligible employees working in Pench Tiger Project. In O.A. No. 673/2022 this Bench has passed an order extending benefit of G.R. dated 06.08.2002 to those of the applicants who are working in Tribal Area, if they are eligible to get the same. Accordingly, said benefit is extended to

23 persons who were applicants in O.A. No. 673/2022. Nine more Original Applications are pending before this Bench wherein the applicants have sought identical relief.

5. Respondents 9 to 13 have averred as follows:-

3. It is submitted that, the Tribal Development Department G.R. dtd. 09.03.1990 is published for implementation of Tribal Sub Plan (TSP). The list of villages published in this G.R. merely states about implementation of above said plan. After that, as per the knowledge of answering Respondents, no such list of villages is published so far by concerned Department.

4. It is submitted that, the GAD G.R. dtd. 06.08.2002 was published later having the provision of OSPS, only after above mentioned Tribal Development Department G.R. dtd. 09.03.1990. It is pertinent to note that, after implementation of OSPS, the Home Department published G.R. dtd. 07.12.2004, which lists/demarcates the Naxalite Areas in Districts of Maharashtra State. Thus, on the basis of this the State Government Employees working in Naxalite Areas were granted one step promotional pay (OSPS), as per sub rule 3(7) of G.A.D. G.R. dtd. 06.08.2002. But till date no such list of

villages / areas of Tribal Region is published either by Tribal Department or by G.A.D. which specifically mentions that, the State Government Employees working in these areas will be eligible for granting one step promotional pay (OSPS) as per sub rule 3(7) of G.A.D. G.R. dtd. 06.08.2002.

Due to this ambiguity the Joint Director, Accounts and Treasuries, Nagpur has sent a letter dtd. 03.08.2023 to its Directorate Office, Mumbai seeking guidance on this issue. Also Joint Director of Accounts and Treasuries, Nagpur has further sent the letter in relation to above narrated matter on 10.10.2023. The letter copies together are annexed herewith as ANNEXURE R-1. Thus from above narration it is clear that unless and until guidance is received and the ambiguity is resolved from Directorate Office, Mumbai, the answering Respondents would not be able to comply with Point No.2 of above mentioned judgement.

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 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."

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.

7. By communication dated 10.10.2023 guidance was sought as follows :-

प्रति,

न्यायालयीन प्रकरण/ तात्काळ / ई- मेलव्दारे

क्र. आस्था-५/म. प्र.न्या/ आदिवासी भाग-रामटेक / 1646

मा. संचालक,
लेखा व कोषागारे,
मुंबई.

विषय :- नागपूर जिल्हातील विशेषतः रामटेक तालुक्यातील काही भाग आदिवासी भाग म्हणून घोषित असणेबाबत.

संदर्भ :-

१. शासन निर्णय, सामान्य प्रशासन विभाग, क्र. टिआएफ-२०००/प्र. शा. क्र./बारा. मंत्रालय मुंबई दिनांक ०६/०८/२००२

२) शासन निर्णय, गृह विभाग, क्र. एनएएक्स-२००४/प्र. क्र. ४८/दिशा-१ ब. / बारा, मंत्रालय मुंबई दिनांक ०७/१२/२००४

३) मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण खंडपीठ, नागपूर यांचे आदेश दिनांक ०८/०३/२०२३ (मुळ अर्ज ६७३/२०२२, चेतन उमाटे व इतर विरुद्ध महाराष्ट्र शासन व इतर)

४) मुळ अर्ज १२२६/२०२२ श्री दिनेशकुमार हंसराज उके व इतर विरुद्ध महाराष्ट्र शासन व इतर दिनांक ०४/०१/२०२३

- ५) मुळ अर्ज ६२६/२०२३ श्री आदित्य रावसाहेब थापडे व इतर ४० विरुध्द महाराष्ट्र शासन व इतर दिनांक ०४/०७/२०२३
- ६) मुळ अर्ज ७६०/२०२३ श्री नामदेव केंद्रे व इतर विरुध्द महाराष्ट्र शासन व इतर दिनांक २०/०७/२०२३
- ७) शासन निर्णय, आदिवासी विकास विभाग, क्र. टिएसपी-१०८६/८७१०/प्र. क्र. ३१/का-५ मंत्रालय मुंबई दिनांक ०९/०३/१९९०
- ८) या कार्यालयाचे पत्र क्र. क्र. आस्था-५/म. प्र. न्या/आदिवासी भाग-रामटेक/१६४६ दिनांक ०३/०८/२०२३
- ९) मुळ अर्ज ५९३/२०२३ श्री सदाशिव पंडीतराव शेलके व इतर विरुध्द महाराष्ट्र शासन व इतर दिनांक ११.०९.२०२३
- १०) मुळ अर्ज १०२७/२०२३ श्री सडवल्ली समय्या कुम्मरी व इतर विरुध्द महाराष्ट्र शासन व इतर दिनांक २०/०९/२०२३

महोदय,

उपरोक्त संदर्भाकित विषयान्वये सविनय सादर करण्यात येते की, संदर्भ १ अन्वये सामान्य प्रशासन विभागाने सदरच्या शासन निर्णयात मुद्दा क्र. ३ (७) मध्ये आदिवासी व नक्षलग्रस्त क्षेत्रात काम करण्यासाठी प्रोत्साहान म्हणून गट 'अ' ते 'ड' मधील सर्व पदधाराकांना संबंधीत कर्मचारी/अधिकारी त्या क्षेत्रात कार्यरत असेपर्यन्तच्या काळात त्यांनी धारण देण्यात यावा, ज्या कर्मचारी /अधिक-यांना सेवांतर्गत आस्वासित प्रगती योजनेचा लाभ अनुज्ञेय नसेल. ही एकस्तर पदोन्नतीची घोषणा दिनांक १/०७/२००२ पासून अंमलात येईल आणि ती संबंधीत कर्मचारी/अधिकारी आदिवासी / नक्षलग्रस्त क्षेत्रात कार्यरत असेपर्यंतच अनुज्ञेय राहिल. त्या क्षेत्रातून कर्मचारी/अधिकारी बिगर आदिवासी क्षेत्रात परत आल्यावर ता त्याच्या मुळच्या संवर्गातील पूर्वीच्या वेतनाच्या अनुषंगाने वेतन घेईल अशी तरतुद आहे.

संदर्भ क्र. १ ला अनुसरून गृह विभागाने दिनांक ०७/१२/२००४ रोजी राज्यात जिल्हातील तालुके/गाव नक्षलग्रस्त घोषित केलेले आहे. उपरोक्त संदर्भ १ व २ मधील तरतुदींचा एकत्रित विचार करता नागपूर विभागातील गडचिरोली, गोंदिया, चंद्रपूर, भंडारा जिल्हातील तालुके/गाव नक्षलग्रस्त घोषित केले असल्याने

सद्यास्थितीत या क्षेत्रात कार्यरत अधिकारी व कर्मचाऱ्यांना प्रोत्साहन म्हणून एकस्तर पदोन्नतीची योजना १ जुलै २००२ पासून अनुज्ञेय केली आहे. सद्यास्थितीत उपरोक्त नमुद प्रमाणे नागपूर विभागात फक्त नक्षलग्रस्त क्षेत्रातच संदर्भ २ नुसार या क्षेत्रात कार्यरत अधिकारी कर्मचारी यांना एकस्तर पदोन्नती योजना लागू असून संदर्भ क्र. ३ ते ६ मध्ये न्यायालयीन प्रकरणी नमुद याचिकार्कृत्यांनी नागपूर जिल्हातील विशेषतः रामटेक तालुक्यात आदिवासी भाग असल्याने उपरोक्त नमुद संदर्भ १ मधील मुद्दा ३ (७) मध्ये आदिवासी क्षेत्रात कार्यरत अधिकारी व कर्मचारी यांना प्रोत्साहन म्हणून एकस्तर पदोन्नती योजना लागू करण्यासंबंधीचे तरतुद असल्याचे नमूद करून मा. न्यायाधिकरणास या क्षेत्रात कार्यरत अधिकारी/कर्मचारी यांना एकस्तर पदोन्नती योजना लागू करण्याविषयी दाद मागितली आहे. याविषयी संदर्भ क्र. ३ मधील न्यायालयीन प्रकरणात मा. न्यायाधिकरणाने अंतीम निकालात खालील प्रमाणे बाबी नमुद केलेले आहे.

(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 ०६/०८/२००२, if they are eligible for the same.

(iii) This order is applicable only to the applicants.

उपरोक्त नमुद निकालातील मुद्दा क्र. २ मध्ये प्रतिवाद्यांनी नागपूर जिल्हातील आदिवासी गावांच्या यादीची तपासणी करूनच सामान्य प्रशासन विभाग शासन निर्णय दिनांक ०६/०८/२००२ मधील मुद्दा क्र. ३(७) मध्ये नमुद आदिवासी क्षेत्रात कार्यरत पात्र अधिकारी व कर्मचारी यांना प्रोत्साहन म्हणून एकस्तर पदोन्नती योजना लागू करण्यात यावा व सदर आदेश मुळ अर्ज ६७३/२०२२ मधील याचिकार्कृत्यांनाच (कर्मचारी) लागू राहिल असे नमुद आहे.

परंतु संदर्भ क्र. ७ मधील शासन निर्णयात आदिवासी विकास विभागाने महाराष्ट्रातील त्यावेळेच्या १३ जिल्हातील ४८ तालुक्यातील एकुण ६५२० गावांचा समावेश आदिवासी उपयोजना क्षेत्रामध्ये करण्यात आल्याचे नमुद आहे. सदरच्या शासन निर्णयात नागपूर जिल्हातील रामटेक तालुक्यात आदिवासी उपयोजना क्षेत्रामध्ये एकुण ९७ गावांचा समावेश आहे. (पृ. क्र. ५७ व ५८) या व्यतिरिक्त संदर्भ १ मधील शासन निर्णय निर्गमित झाल्यापासून आजपर्यंत शासन स्तरावरून (सामान्य प्रशासन विभाग किंवा आदिवासी विकास विभाग) नागपूर जिल्ह्यात

आदिवासी तालुका/गाव यांची यादी संदर्भ क्र.१ मधील मुद्दा क्र. ३(७) मध्ये नमुद तरतुदीस अनुसरून प्रसिद्ध करण्यात आली नाही.

सबब उपरोक्त नमुद प्रमाणे संदर्भ क्र. ७ मधील नागपूर जिल्हातील रामटेक तालुक्यात आदिवासी उपयोजना क्षेत्रामध्ये एकूण ९७ गावांचा समावेश असलेल्या गावांनाच आदिवासी भाग गृहीत धरून या क्षेत्रात कार्यरत अधिकारी व कर्मचारी यांना प्रोत्साहन म्हणून एकस्तर पदोन्नती योजना लागू करावी किंवा कसे? की शासन स्तरावरून नागपूर जिल्ह्यात आदिवासी बहुल तालुका/गांवाची यादी प्रसिद्ध झाल्यानंतरच सदरच्या क्षेत्रात कार्यरत अधिकारी व कर्मचारी यांना प्रोत्साहन म्हणून एकस्तर पदोन्नती योजना लागू करावी यासंबंधी स्पष्टतः नसल्याने संभ्रमाची स्थिती निर्माण झालेली आहे.

याशिवाय मा. न्यायाधिकरणाने त्याच्या निकालात मुद्दा क्र. ३ मध्ये सदरचा निकाल हा फक्त याचिकर्त्यांनाच लागू राहिल असे नमुद केले असल्याने याच विषयाला अनुसरून नागपूर जिल्हातील रामटेक तालुक्यात कार्यरत अधिकारी व कर्मचारी मा. न्यायाधिकरणाकडे दाद मागत आहेत. त्यामुळे या कार्यालयाच्या स्तरावर न्यायालयीन प्रकरणाची संख्या दिवसेंदिवस वाढत चाललेली आहे.

कृपया सदर विषयी सत्वरतेने मार्गर्शन व्हावे ही विनंती जेणेकरून मा. न्यायाधिकरणाने दिलेल्या आदेशाचे पालन करणे सोईचे होईल.

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.As. are 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.

Member (J)

Dated :- 18/01/2024
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 18/01/2024
and pronounced on

Uploaded on : 19/01/2024