

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.617/2023(S.B.)**

- 1) Shri. Dnyaneshwar Vitthalrao Nawghare,
Aged about 27 years, Occ.- Service,.
- 2) Shri. Sunil Sandu Shisode,
Aged about 24 years, Occ.- Service,
- 3) Shri. Surajkumar Manoj Ramteke,
Aged about 25 years,
Occ.- Service, applicant no. 1 to 3,
R/o Deolapar Range, Nagpur.
- 4) Shri. Nivas Bhagwan Rathod,
Aged about 27 years, Occ.- Service,
R/o Totaladoh Range, Nagpur.
- 5) Shri. Shrikrushna Suresh Munde,
Aged about 23 years, Occ.- Service,
R/o Paoni Range, Nagpur.
- 6) Shri. Nikhil Bhagwan Khobragade,
Aged about 30 years, Occ.- Service,
R/o Totaladoh Range, Nagpur.
- 7) Shri. Mayur Dnyaneshwar Meshram,
Aged about 29 years, Occ.- Service,
R/o Pipariya Range, Nagpur.
- 8) Shri. Parikshit Laxman Jadhav,
Aged about 30 years, Occ- Service,
R/o Purv Pench Range, Nagpur.

- 9) Shri. Nikhil Ankush Kadam,
Aged about 33 years, Occ.- Service,
R/o Totaladoh Range, Nagpur.
- 10) Ku. Ayodhya Dnyanoba Ranher,
Aged about 27 years, Occ- Service,
R/o Paoni Range, Nagpur.
- 11) Ku. Pooja Abhimanyu Kubal,
Aged about 31 years, Occ.- Service,
R/o Deolapar Range, Nagpur.
- 12) Shri. Abhishek Suresh Kapse,
Aged about 23 years, Occ.- Service,
R/o Deolapar Range, Nagpur.
- 13) Shri. Sandip Bhaskar Mahale,
Aged about 28 years, Occ.- Service,
R/o Jay Sambhav,
L.K Pland society, Flat No 701 A, A.wing.
Plot No A-119, Sector 6 karanjade,
Panvel Pin Code-410206.

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 & Field Director,
Wild Life, Nagpur.
- 4) The Deputy Director,
Pench Tiger Project, Nagpur.
- 5) The Asst. Conservator of Forest,
Special Tiger Protection Force,
At Pipariya, Tah- Ramtek, Dist. Nagpur.
- 6) The Sub Treasury Officer,
Ramtek, Distt. Nagpur.
- 7) The Deputy Director,
Accounts and Treasury, Nagpur.

Respondents

Shri R.M.Wasnik, Ld. Counsel for the applicants.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

With
ORIGINAL APPLICATION NO.618/2023(S.B.)

- 1) Shri. Lokesh Antram Tembhare,
Aged about 26 years, Occ.- Service.
- 2) Ku. Rupali Atmaram Dahiphale,
Aged about 23 years, Occ.- Service,
applicant no. 1 & 2 are R/o Totaladoh Range,
Nagpur.
- 3) Ku. Yamina Vishnu Pustode,
Aged about 30 years, Occ.- Service,
R/o Paoni Range, Nagpur.

- 4) Ku. Sarala Ashok Mankar,
Aged about 27 years, Occ.- Service,
R/o Totaladoh Range, Nagpur.
- 5) Ku. Poonam Keshao Khandare,
Aged about 29 years, Occ.- Service,
- 6) Ku. Snehal Marotaroo Sukhdeve,
Aged about 32 years, Occ.- Service,
- 7) Ku. Vidya Shyamrao Rathod,
Aged about 27 years, Occ.- Service,
- 8) Shri. Krushna Shivaji Gholve,
Aged about 27 years, Occ- Service,
- 9) Shri. Sagarsing Sivsing Gomladu,
Aged about 33 years, Occ.- Service,
- 10) Ku. Nilakshi Sudhakar Rao Dhoke,
Aged about 32 years, Occ- Service,
- 11) Shri. Manish Luxman Humane,
Aged about 36 years, Occ.- Service,
applicant no. 5 to 11 are R/o Totaladoh Range,
Nagpur.
- 12) Shri. Sachin Ramchandra Maraskolhe,
Aged about 33 years, Occ.- Service,
R/o Deolapar Range (Wildlife), Nagpur.
- 13) Shri. Balaji Bhanudas Gite,
Aged about 25 years, Occ.- Service,
- 14) Ku. Punam Hiranman Dasode,
Aged about 30 years, Occ.- Service,
- 15) Shri. Gajanan Uttam Mane,
Aged about 28 years, Occ.- Service,

16) Shri. Pravin Shivaji Chavan,
Aged about 224 years, Occ.- Service,
applicant no. 13 to 16 are R/o Totaladoh Range,
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 & Field Director,
Wild Life, Nagpur.
- 4) The Deputy Director,
Pench Tiger Project, Nagpur.
- 5) The Asst. Conservator of Forest,
Special Tiger Protection Force,
At Pipariya, Tah- Ramtek, Dist. Nagpur.
- 6) The Sub Treasury Officer,
Ramtek, Distt. Nagpur.
- 7) The Deputy Director,
Accounts and Treasury, Nagpur.

Respondents

Shri R.M.Wasnik, Ld. Counsel for the applicants.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

With
ORIGINAL APPLICATION NO.627 /2023(S.B.)

- 1) Shri. Aman Vishwanath Wasnik,
Aged about 31 years, Occ.- Service,
R/o Buttibori Range, Nagpur.
- 2) Shri. Shubham Ishwar Sahare,
Aged about 29 years, Occ.- Service,
R/o Ramtek Range, Nagpur.
- 3) Shri. Rahul Jivan Pimpalwar,
Aged about 28 years, Occ.- Service,
R/o Deolapar Range, Nagpur.
- 4) Shri. Prakash Madhukar Kalekar,
Aged about 34 years, Occ.- Service,
R/o Hingna Range, Nagpur.
- 5) Shri. Roshan Ganesh Parteti,
Aged about 31 years, Occ- Service,
R/o Paoni Range, Nagpur.
- 6) Shri. Vinod Rameshwar Rathod,
Aged about 33 years, Occ.- Service,
R/o Deolapar Range, Nagpur.
- 7) Shri. Deviprasad Bhojraj Kale,
Aged about 34 years, Occ.- Service,
R/o Hingna Range, Nagpur.
- 8) Shri. Komalchand Ramrav Raut,
Aged about 30 years, Occ.- Service,
R/o Deolapar Range, Nagpur.

- 9) Shri. Shrawan Tukadoji Admachi,
Aged about 30 years, Occ.- Service.
- 10) Ku. Vaishali Sakharamji Thakur,
Aged about 30 years, Occ.- Service,
Applicant no. 9 and 10 are R/o Ramtek Range, Nagpur.
- 11) Shri. Chetan Devidas Bansod,
Aged about 30 years, Occ.- Service,
R/o Deolapar Range, Nagpur.
- 12) Shri. Akash Mahavir Jakhal,
Aged about 28 years, Occ.- Service,
R/o Seninary Hills Range, Nagpur.
- 13) Shri. Dashvant Jangalya Kokode,
Aged about 28 years, Occ.- Service,
- 14) Shri. Kuldeep Sundar Maraskolhe,
Aged about 29 years, Occ.- Service,
Applicant no. 13 and 14 are R/o Deolapar Range, Nagpur.
- 15) Shri. Ajay Raghunath Dhurve,
Aged about 30 years, Occ.- Service,
R/o Buttibori Range, Nagpur.
- 16) Ku. Jyoti Raju Chokhandre,
Aged about 29 years, Occ.- Service,
R/o Buttibori Range, Nagpur.
- 17) Ku. Sadhana Devidas Nikure,
Aged about 27 years, Occ.- Service,
R/o South Umred Range, Nagpur.
- 18) Ku. Anjali Anilprasad Tiwari,
Aged about 30 years, Occ.- Service,
R/o Deolapar Range, Nagpur.

- 19) Ku. Pratibha Bires haji Inwate,
Aged about 29 years, Occ.-Service,
R/o Paoni Range, Nagpur.
- 20) Ku. Kanchan Lahuji Gajbhiye,
Aged about 29 years, Occ.- Service,
R/o Parseoni Range, Nagpur.
- 21) Shri. Gajanan Omraj Raut,
Aged about 33 years, Occ.- Service,
R/o Ramtek Range, Nagpur.
- 22) Shri.Chandrashekhar Kashiram Raut,
Aged about 28 years, Occ.- Service,
R/o Paoni Range, Nagpur.
- 23) Shri. Jogeshwar Vishnu Bedre,
Aged about 31 years, Occ.- Service,
R/o Civil lines Range, Nagpur.
- 24) Shri. Satish Motiram Wasnik,
Aged about 30 years, Occ.- Service/
R/o Ramtek Range, Nagpur.
- 25) Ku. Roshani Dilipji Dhore,
Aged about 28 years, Occ.- Service,
R/o Parseoni Range, Nagpur.
- 26) Ku. Punam Ajabarav Kangali,
Aged about 28 years, Occ- Service,
R/o, 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 & Field Director,
Wild Life, Nagpur.
- 4) The Deputy Director,
Pench Tiger Project, Nagpur.
- 5) The Asst. Conservator of Forest,
Special Tiger Protection Force,
At Pipariya, Tah- Ramtek, Dist. Nagpur.
- 6) The Sub Treasury Officer,
Ramtek, Distt. Nagpur.
- 7) The Deputy Director,
Accounts and Treasury, Nagpur.

Respondents

Shri R.M.Wasnik, Ld. Counsel for the applicants.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

Dated: - 30th January 2024.

JUDGMENT

Judgment is reserved on 23rd January, 2024.

Judgment is pronounced on 30th January, 2024.

Heard Shri R.M.Wasnik, learned counsel for the applicants,
Shri V.A.Kulkarni, learned P.O. for the respondents.

2. These O.As. which involve common issue are being decided by this common Judgment.

3. The applicants are / were working in Notified Tribal Area. They claimed benefit of clause-3(7) of G.R. dated 06.08.2002 in the form of One Step Promotional Pay Scheme (OSPPS).

4. Stand of the respondents is that proposal is already sent to Additional Principal Chief Conservator of Forest (Establishment) to extend the benefit as claimed.

5. 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 असेपर्यंतच्या काळात त्यांनी धारण केलेल्या मूळ पदाच्या नजीकची वरिष्ठ पदोन्नतीची वेतनश्रेणी व त्या अनुषंगाने वेतननिश्चितीचा लाभ देण्यात यावा. ज्या कर्मचारी/अधिकाऱ्यांना सेवांतर्गत आश्वासित 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 असेपर्यंतच 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.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.

(M.A.Lovekar)
Member (J)

Dated – 30/01/2024
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 : 30/01/2024.
and pronounced on
Uploaded on : 30/01/2024.