

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 593/2023(S.B.)**

1. Shri Sadashiv s/o Panditrao Shelke,
Aged about 48 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Deolapar.
2. Shri Rahul s/o Manohar Shinde,
Aged about 37 years, Occu.: Service,
R/o. C/o. Range Office (WL), Chorbahuli.
3. Shri Jayesh s/o Rajeram Tayde,
Aged about 36 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
4. Shri Abhijit s/o Bapudas Ilamkar,
Aged about 36 years, Occu. : Service,
R/o. C/o. Range Office Deolapar. (WL).
5. Shri Mangesh s/o Madhukar Tate,
Aged about 33 years, Occu. : Service,
R/o. C/o. Range Office (WL), East Pench, Pipriya.
6. Shri Sunil s/o Shantaram Kodwate,
Aged about 40 years, Occu. : Service,
R/o. C/o. Range Office (WL) Chorbahuli.
7. Shri Suresh s/o Barku Patil,
Aged about 56 years, Occu. : Service,
R/o. C/o. Range Office (WL) Chorbahuli.
8. Ku. Ashvini d/o Baban Dongre
(Sou. Ashvini w/o Gunratna Gajbhiye),
Aged about 33 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
9. Shri Ritik s/o Ramesh Marshettiwar,

- Aged about 23 years, Occu.: Service,
R/o. C/o. Range Office (WL), Chorbahuli.
10. Ku. Meena d/o Damudar Punde,
Aged about 30 years, Occu. : Service,
R/o. C/o. Range Office (WL) Chorbahuli..
11. 11. Ku. Jyoti d/o Damudar Punde.
Aged about 28 years, Occu. : Service
R/o. C/o. Range Office (WL), Chorbahuli.
12. Ku. Pratibha d/o. Sukalal Sayyam,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
13. Ku. Vaishali d/o Vasantrya Basine,
(Sou. Vaishali w/o Sanju Lilhare),
Aged about 36 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
14. Ku. Priyanka Chandrashekhar Badole,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (WL)Deolapar, S.T.P.F..
15. Ku. Sanika d/o Maruti Kokare,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (WL), Deolapar, S.T.P.F.
16. Shri Vishal s/o Namdev Dhawle,
Aged about 32 years, Occu. : Service,
R/o. C/o. Range Office (U.C.), Paoni.
17. Shri Kailash s/o Sheshrao Chavan,
Aged about 31 years, Occu. : Service,
R/o. C/o. Range Office (WL), East Pench, Pipriya.
18. Shri Manoj s/o Prabhakar Wanjari,
Aged about 34 years, Occu. : Service,

- R/o. C/o. Range Office (WL), East Pench, Pipriya.
19. Ku. Minakshi d/o Haridas Ghorpade,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
 20. Sou. Bharti w/o Yogesh Kale,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
 21. Ku. Laxmi d/o Maniram Shende,
Aged about 34 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
 22. Shri Jeevan s/o Sainath Pawar,
Aged about 40 years, Occu. : Service,
R/o. C/o. Range Office (WL) Deolapar.
 23. Shri Ramakant Vasant Rao Gillurkar,
Aged about 49 years, Occu. : Service,
R/o. C/o. Range Office (WL), Deolapar.
 24. Shri Rahul s/o Rajendraprasad Tiwari,
Aged about 32 years, Occu. : Service,
R/o. C/o. Range Office (WL), Deolapar.
 25. Shri Shubham s/o Kailash Pawar,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (WL), Deolapar.
 26. Shri Sanket s/o Eknath Nimje,
Aged about 25 years, Occu. : Service,
R/o. C/o. Range Office (WL), Deolapar.
 27. Shri Ketan s/o Moreshwar Waghmare,
Aged about 28 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
 28. Shri Sohail Mustaque Sheikh,

- Aged about 24 years, Occu. Service,
R/o. C/o. Range Office (WL), Pipriya.
29. Shri Aman s/o Mulchand Kawale,
Aged about 23 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
30. Shri Yogesh s/o Sanjay Korde,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
31. Shri Amol s/o Subhashrao Metkar,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
32. Shri Sourabh s/o Vijay Lohakare,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
33. Shri Avinash s/o Balchand Shingade,
Aged about 35 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
34. Shri Pradip s/o Janglu Survanshi,
Aged about 34 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
35. Shri Aditya s/o Pramod Shende,
Aged about 23 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
36. Ku. Priyanka d/o Liladhar Bhelave,
Aged about 27 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.
37. Shri Rushabh Chandrakant Sarode,
Aged about 25 years, Occu. : Service,
R/o. C/o. Range Office (UC), Paoni.

38. Shri Ritik s/o Ashok Kshirsagar,
Aged about 22 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
39. Shri Sunil s/o Devidas Gurve,
Aged about 36 years, Occu.: Service,
R/o. C/o. Range Office (WL), Pipriya,
40. Sou. Sarika w/o Sunil Gurve,
(Ku. Sarika d/o Sheshrao Bhange),
Aged about 32 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
41. Ku. Chaya d/o Wadju Thombre,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (UC), Pauni.
42. Shri Ravikant s/o Sheshrao Parteti,
Aged about 42 years, Occu.: Service,
R/o. C/o. Range Office (WL), Deolapar.
43. Shri Ramesh s/o Pundlik Chake,
Aged about 47 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
44. Shri Pravin s/o Padmakar Fale,
Aged about 46 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
45. Shri Ganesh s/o Baswaraj Lamture,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
46. Shri Gajanan s/o Rukhmaji Garake,
Aged about 36 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.

47. Shri Akash s/o Madhukar Jengathe,
Aged about 26 years, Occu.: Service,
R/o. C/o. Range Office (WL), Pipriya.
48. Shri Ramdas s/o Sadaram Nanhe,
Aged about 28 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
49. Shri Mangesh s/o Dnyaneshwar Kore,
Aged about 29 years, Occu.: Service,
R/o. C/o. Range Office (UC), Paoni.
50. Shri Sopan s/o Vishnu Kamatwar,
Aged about 31 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
51. Shri Shriram s/o Bhanudas Kekan,
Aged about 46 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pipriya.
52. Priyadarshan Dnyaneshwar Babhale,
Aged about years, Occu.: Service,
R/o. C/o. Range Office (WL), Deolapar.
53. Shri Krishna Sudamrao Bhure,
Aged about 46 years, Occu. Service,
R/o. C/o. Range Office (WL), Chorbahuli.
54. Shri Vikas s/o Baliram Shinde,
Aged about 28 years, Occu.: Service,
R/o. C/o. Range Office (Terri), Paoni.
55. Shri Umesh s/o Vinayak Sodgir,
Aged about 33 years, Occu.: Service,
R/o. C/o. Range Office (Terri), Paoni.
56. Shri Dinesh s/o Baburao Itwale,
Aged about 29 years, Occu. : Service,

- R/o. C/o. Range Office (Terri), Paoni.
57. Shri Sanjiv s/o Sheshrao Nagrgoje,
Aged about 47 years, Occu.: Service,
R/o. C/o. Range Office (Terri), Paoni.
58. Ku. Dipali d/o Shrawan Kadav,
Aged about 30 years, Occu. Service,
R/o. C/o. Range Office (Terri),
Ramtek, Murda Beat.
59. Ku. Apsara d/o Vijay Neware,
Aged about 30 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Hingna.
60. Ku. Kirti d/o Deorao Rakhade,
Aged about 31 years, Occu. : Service,
R/o. C/o. Range Office Bhiwapur S. Umred. (Terri.).
61. Ku. Santoshi d/o Rameshrao Padile,
(Sou. Santoshi w/o Sandip Choudhari),
Aged about 32 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Deolapur.
62. Shri Sandip s/o Devidas Kadam,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Pauni.
63. Shri Govind Baburao Chandrawanshi,
Aged about 50 years, Occu. : Service,
R/o. C/o. Range Office (Terri),
Hingni, Wardha.
64. Shri Vaibhav s/o Ashok Kharat,
Aged about 26 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Paoni.
65. Shri Dilip s/o Mahadu Jadhav,

- Aged about 52 years, Occu. Service,
R/o. C/o. Range Office (Terri), Ramtek.
66. Shri Laxmichand Nandlal Panchbhal,
Aged about 52 years, Occu. Service,
R/o. C/o. Range Office (Terri), Deoli, Gondia.
67. Shri Sandip s/o Arvind Choudhari,
Aged about 32 years, Occu. Service,
R/o. C/o. Range Office (Terri), Deolapar.
68. Ku. Pallavi d/o Shankarrao Gajam,
Aged about 31 years, Occu.: Service,
R/o. C/o. Range Office (Terri.), Paoni.
69. Shri Ramdas s/o Sadashiv Raut,
Aged about 40 years, Occu. : Service,
R/o. C/o. Range Office, Ramtek beat Chichada
70. Shri Suraj s/o Gunvant Kirpane,
Aged about 22 years, Occu.: Service,
R/o. C/o. Range Office (Terri), Deolapar.
71. Ku. Vidya d/o Tikaram Bhusari,
Aged about 25 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Paoni.
72. Ku. Soniya d/o Govindrao Ladekar,
Aged about 28 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Hingna.
73. Shri Mahesh s/o Vinayak Gaikwad,
Aged about 30 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Hingna.
74. Shri Badriprasad s/o Ramdas Kutariya,
Aged about 48 years, Occu. : Service,
R/o. Sonpuri, Salekasa.

75. Shri Rishikesh s/o Sudhakar Patil,
Aged about 32 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Chorbahuli.
76. Shri Kishor s/o Natthuji Channe,
Aged about 48 years, Occu. : Service,
R/o. C/o. Range Office (WL), Pench.
77. Ku. Asha d/o Tribhuwan Dongre,
Aged about 30 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.
78. Shri Praful s/o Bhaurao Dahikar,
Aged about 29 years, Occu. : Service,
R/o. C/o. Range Office (WL), Chorbahuli.,
79. Shri Khemraj s/o Jiwan Rahangdale,
Aged about 47 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Bhandara,
Bhandara Division.
80. Dewendrakumar Bhaiyyalal Bhagat,
Aged about 43 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Jamkandri,
Bhandara Division.
81. Shri Someshwar s/o Ramdas Baghele,
Aged about 47 years, Occu. : Service,
R/o. C/o. Range Office (Terri), Jamkandri,
Bhandara Division.
82. Shri Santosh s/o Subhash Jamkar,
Aged about 36 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
83. Ku. Mukta d/o Baburao Pawar,
Aged about 27 years, Occu. : Service,

- R/o. C/o. Range Office (Terri), Deolapar.
84. Ku. Komal d/o Trimbakrao Dawkore,
Aged about 25 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
85. Shri Pravin s/o Dashrath Jadhao,
Aged about 33 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
86. Shri Vishnu s/o Karbhari Kakad,
Aged about 34 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
87. Smt. Bhagyashri w/o Lahu Fad,
Aged about 34 years, Occu.: Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
88. Shri Pravin s/o Narayan Narnaware,
Aged about 38 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
89. Shri Bhusan s/o Laxman Raut,
Aged about 32 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
90. Shri Latish s/o Daulatrao Rewatkar,
Aged about 34 years, Occu. : Service,
R/o. C/o. C. C. F. (Terri), Nagpur.
91. Shri Tukaram s/o Babusing Rathod,
Aged about 34 years, Occu. : Service,
R/o. C/o. Territory, Deolapar.

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.
6. The Deputy Director,
Pench Tiger Reserve, Nagpur.
7. The Sub Treasury Officer, Ramtek, Distt.: Nagpur.
8. The Deputy Director, Accounts & Treasury, Nagpur.

Respondents

Shri G.G.Bade,Ld. Counsel for the applicants.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 14th February, 2024.

JUDGMENT

Heard Shri G.G.Bade, learned counsel for the applicants and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. Case of the applicants in short is as under-

The applicants are posted in the Tribal Area in Nagpur District. As per the Government Resolution dated 06.08.2002, they are entitled for promotional pay. Respondents have not granted the benefit of G.R. dated 06.08.2002. Therefore, all applicants approached to this Tribunal for the following reliefs-

i) Direct the respondent Department to grant the benefits of G.R. dated 06/08/2002, by granting Pay Scale of one step ahead i.e. Pay Scale Higher than the Pay Scale of post held by the applicants, along with the interest @ 24% per annum, from the date of posting in the Tribal Notified Area till the realization of the amount, in the interest of justice.

ii) Grant any other relief, which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case so also, in the interest of justice.

10. INTERIM RELIEF:-

The applicants are seeking direction to the respondent Department to comply the Judgment dated 08/03/2023 passed

in Original Application No. 673/2023, by way of interim relief, during the pendency of the present original application, in the interest of justice.

3. The O.A. is strongly opposed by the respondents. As per the submission of respondents, Circular dated 06.08.2002 is not applicable to the applicants because Nagpur District is not within Tribal Area. Therefore, they are not posted in the Tribal Area. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for the applicants has pointed out the decision of this Tribunal in O.A.No.673/2022 decided on 08.03.2023. In the decided O.A., the applicants were working in Nagpur District. They were working in the villages which were declared by the Government of Maharashtra as a Tribal Area. The learned counsel for the applicants has pointed out list of villages of Nagpur District which are shown in the Tribal Area. As per the statement in the Notification as per 1981 Census, the villages Garra, Sawara, Deolapar and Pipriya are at Sr.Nos.3, 11, 30 and 56(pg.299).

5. As per this Statement/Notification villages Garra, Sawara, Deolapar and Pipriya are shown in the Tribal Area of Nagpur District. The applicants are posted as Forest Guards in villages in Tribal Area. Notification issued by the Government of Maharashtra

dated 06.08.2002 is applicable to the employees who are working in the Naxalite and Tribal Area to get higher pay scale and other benefits. This Tribunal has held in para 4 of the Judgment in O.A.No.673/2022 as under-

4. *Heard Shri A.M. Khadatkar, learned P.O. for the respondents. The O.A. is opposed by the respondent nos.5 and 6. The respondent nos. 2 to 4 submitted that the proposal of applicant no.1 was moved to the Treasury Office for grant of benefit as per the G.R. dated 06/08/2002. But, it was not accepted by the Treasury Officer. The respondent nos.5 and 6 have submitted that as per the G.R. of 2004, Nagpur District is not in the list of naxalite area and therefore the applicants are not entitled for grant of promotional pay. 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."

6. From the plain reading of G.R. dated 06.08.2002, it is applicable to the Scheduled Tribal Area and also for the Naxalite Area. The areas are defining the G.R. of 2002 in respect of Naxalite Area. The G.R. dated 1990 shows that villages Garra, Sawara, Deolapar, Pipriya and Chorbahuli (Mogra) (pg.300) are in listed in the Naxalite Area, Nagpur District. All applicants are posted in villages Garra, Sawara, Pipriya, Deolapar and Chorbahuli (Mogra). Those villages are notified as per G.R. dated 1990. Those villages are shown in the Tribal Area of Nagpur District. As per the G.R. dated 06.08.2002, the employees who are working in the Naxalite / Tribal Area are entitled to get promotional pay. Therefore, all applicants are entitled to get benefit as per G.R. dated 06.08.2002. Hence, the following order-

ORDER

1. The O.A. is allowed.
2. Respondents are directed to verify the list of villages of Tribal Area in Nagpur District and pay the promotional pay to the applicants as per the G.R. dated 06.08.2002, if they are eligible for the same.
This order is applicable only to the applicants.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 14/02/2024
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 Vice Chairman.
Judgment signed on : 14/02/2024.
Uploaded on : 20/02/2024.
