

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

TRANSFER APPLICATION NO.16/2022

(WRIT PETITION NO.9150/2022)

DISTRICT:- AHMEDNAGAR

1. Santosh Sundar Chavan,
Age: 36 Years, Occu- Service,
R/o. Government Ashram School Kohane,
Tq. Akole, Dist. Ahmednagar.

2. Suvarna Bhaskar Deshmukh
Age: 38 Years, Occu. Service,
R/o. Government Ashram School Kohane,
Tal. Akole, Dist. Ahmednagar

3. Ushabai Banshi Gaikwad,
Age: 38 Years, Occu. Service,
R/o. Government Ashram School Kohane,
Tal. Akole, Dist. Ahmednagar

4. Sachin Ravsaheb Antre,
Age: 39 Years, Occu. Service,
R/o. Government Ashram School Kohane,
Tal. Akole, Dist. Ahmednagar

5. Vitthal Baburao Salunke,
Age: 56 Years, Occu. Service,
R/o. Government Ashram School Paithan,
Tal. Akole, Dist. Ahmednagar.

...APPLICANTS

V E R S U S

1. The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-32.

3. The Commissioner,
Tribal Development Department,
Nasik Division, Nashik, Old Mumbai-Agra Road,
Gadkari Chowk, Nashik.

4. The Additional Commissioner,
Tribal Development Department, Nasik Division,
Nashik, Old Mumbai-Agra Road,
Gadkari Chowk, Nashik.

5. The Project Officer,
Integrated Tribal Development Project,
Rajur, Tal. Akole, Dist. Ahmednagar.

...RESPONDENTS

APPEARANCE :Shri Ajay T. Kanawade, Counsel for
Applicants.
:Shri S.S.Dambe, Presenting Officer for
the respondent authorities.

**CORAM : JUSTICE SHRI V.K.JADHAV, VICE CHAIRMAN
AND
SHRI VINAY KARGAONKAR, MEMBER (A)**

Decided on : 25-04-2025

O R A L O R D E R
[Per : Justice V.K.Jadhav, VC]

1. Heard Shri Ajay T. Kanawade, learned counsel
for the applicants and Shri S.S.Dambe, learned Presenting
Officer for the respondent authorities.

2. Heard finally with consent of parties at the
admission stage.

3. By filing this Transfer Application (T.A.) the applicants have made the following prayers:

“B. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents not to revoke the benefits of the G.R. dated 06.08.2002 though petitioners entitled for time bound promotion and direct the respondents to pay the salaries of the petitioners as per One Step pay scale till petitioners works in the Tribal/PESA area as per G.R. dated 06.08.2002.

C. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents to fix the pay scale as per Clause 6 (A) of GR dated 14.05.2019 and directed to be paid the salaries petitioners as per one step pay scale or pay scale which is more benefited to the petitioners as per GR dated 14.05.2019 and also directed to made available the option to apply the time bound promotion scale at appropriate time.”

4. Applicants are working as teaching and non-teaching staff with the Government Ashram Schools run by the respondents. All the applicants are residential candidates of tribal/PESA (Panchayat Extension to Schedule Area) of Akole Taluka of Ahmednagar District. The applicants were eligible to be appointed as teaching staff and accordingly after following due process they came

to be appointed as Teacher. Since then the applicants are working in the Tribal/PESA/Difficult Area.

5. Learned Counsel submits that, it is very difficult to work in the Tribal/PESA area as the same is not connected to the urban area, therefore, employees are reluctant to work and serve in tribal areas. Thus, to overcome the said difficulty, Government has decided to give concession/ additional benefits in the form of additional pay scale to Class-III and Class-IV employees. Accordingly, the General Administration Department of the State of Maharashtra has issued G.R. dated 06-08-2002 and given additional benefit of one step pay scale to the employees. It means that, employees officiating duties in tribal areas will be given/awarded additional one step pay scale as a concession. In terms of paragraph 3(7) of the Resolution, it is stated that the said one step pay scale shall be continued to the employee working till he works in the tribal area.

6. Learned Counsel submits that since the applicants came to be appointed in the tribal area they are entitled to one step pay scale in terms of the said G.R. They are drawing salary of one step pay scale. In the

service book entries of both the pay scales are recorded. Learned Counsel submits that at the time of filing this T.A. applicants have completed 12 years' service and hence they are due for grant of time bound promotion/senior pay scale but the respondent no.5 misinterpreting clause 3(7) of the G.R. dated 06-08-2002 issued impugned orders of pay fixation after completion of 12 years' of services holding that employees who are entitled to get senior pay scale should be awarded the same and they should be paid on the said pay scale, those employees are not entitled to one step pay scale, therefore, excess salary paid to them shall be recovered.

7. Learned Counsel submits that the issue involved in this T.A. is covered by the order passed by the Hon'ble Bombay High Court Bench at Aurangabad dated 06-02-2023 in Writ Petition No.1294/2023 and also by various orders passed in Writ Petition No.14474/2021 and other connected matters, Writ Petition No.1656/2023, Writ Petition No.12358/2022, and even by order passed by this Tribunal on 09-12-2022 in O.A.No.479/2020.

8. Learned P.O. submits that the present applicants are the primary teachers and orders passed in

the aforesaid Writ Petitions pertain to the Teachers of the Higher Secondary School only. It is the distinguishing factor otherwise the said orders cover the issue involved in the present T.A.

9. In Writ Petition No.1294/2023 the Division Bench had occasion to deal with the following prayers:

“B. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents not to revoke the benefits of the G. R. dated 06.08.2002 though petitioners entitled for time bound promotion and direct the respondents to pay the salaries of the petitioners as per One Step pay scale till petitioners works in the Tribal/PESA area as per G.R. dated 06.08.2002.

C. By issuing appropriate writ, order or directions, in the like nature, this Hon'ble Court may pleased to direct the respondents to fix the pay scale as per Clause 6 (A) of GR dated 14.05.2019 and directed to be paid the salaries petitioners as per one step pay scale or pay scale which is more benefited to the petitioners as per GR dated 14.05.2019 and also directed to made available the option to apply the time bound promotion scale at appropriate time.

D. Pending the hearing and final disposal of this petition, grant stay to the further recovery of salary from petitioners and direct the respondents to pay

monthly salary as per present one step pay scale to petitioners.”

Hon’ble Bombay High Court Bench at Aurangabad in the aforesaid Writ Petition has referred the earlier orders passed by the Principal Seat in Writ Petition No.8824/2021 dated 21-12-2021 and held that the said view is applicable to all such cases and there is no reason to take any difference view. Accordingly, Hon’ble Bombay High Court Bench at Aurangabad in the aforesaid Writ Petition has directed the respondent no.4 therein to scrutinize record of all the petitioners therein and further directed to grant them certain benefits as detailed in the order.

10. In this matter also we are bound to take similar view. We find no substance in the submissions made by the learned Presenting Officer that the said matters cover only the issue of the Teachers of the Higher Secondary School and not the Teachers of Primary Schools. Hence, we proceed to pass the following order:

ORDER

[i] This Transfer Application (T.A.) is allowed in the following terms.

[ii] The proposed action of recovery initiated by the respondents is hereby quashed and set aside.

[iii] We direct respondent no.4 to scrutinize all the records of all the applicants and the places at which they are posted for performing their duties within 8 weeks from the date of this order.

[iv] After verification, if there are any legal impediments, the same shall be cleared by the respondent no.4 and the salary benefits to which the concerned applicants are entitled to in the light of the one step pay scale shall be paid along with the arrears as well as the current salaries within a period of 4 weeks after the verification is completed.

[v] After scrutiny, if any of these applicants on the basis of their record are found to be ineligible, respondent no.4 shall issue notice to each of such applicants so as to enable them to approach the said authority and to raise their grievance, if any.

[vi] After such hearing, which shall be completed within 4 weeks thereafter, respondent no.4 shall pass

appropriate orders and grant one step benefit to all the candidates who are found to be eligible.

[vii] The applicants are at liberty to approach this Tribunal who suffer adverse order after the above stated exercise is completed.

[viii] T.A. is accordingly disposed of.

[ix] No costs.

(VINAY KARGAONKAR)
MEMBER (A)

(V. K. JADHAV)
VICE CHAIRMAN

Place : Aurangabad
Date : 25-04-2025.