

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 885/2023 (S.B.)**

1. Shri Arun s/o Janardhan Gite,  
Aged about 35 years, Occu.: Service.
2. Shri Avinash s/o Pandurang Mundkar,  
Aged about 33 years, Occu.: Service.
3. Shri Vishnu s/o Ratan Sawant,  
Aged about 30 years, Occu.: Service.
4. Shri Swarup s/o Neksing Kerwar,  
Aged about 40 years, Occu.: Service.
5. Shri Mohammad Arif Mohamad Asgar Sheikh,  
Aged about 42 years, Occu.: Service.
6. Shri Raju s/o Purushottam Uikey,  
Aged about 40 years, Occu.: Service.
7. Shri Dattatray s/o Goroba Vibhute,  
Aged about 41 years, Occu.: Service.
8. Shri Akash s/o Dharmpal Bagade,  
Aged about 36 years, Occu.: Service.
9. Shri Goverdhan Goma Sontakke,  
Aged about 45 years, Occu.: Service.
10. Shri Pratik s/o Sanjayrao Modwan,  
Aged about 38 years, Occu.: Service.

**R/o. 1 to 10 C/o. Chief Conservator of Forest (Territorial), Nagpur.**

11. Shri Vijay Babulal Pawar,  
Aged about 38 years, Occu.: Service,

R/o. C/o. Chief Conservator of Forest (Territorial),  
Yavatmal.

12. Shri Shyamsunder Mahadeo Dongare,  
Aged about years, Occu.: Retired,  
R/o. Vaishali Nagar (Parsoda), Ramtek,  
Distt.: Nagpur.
13. Shri Bhagwan s/o Ajabrao Kathane,  
Aged about 65 years, Occu.: Retired,  
R/o. Ranala, Kamptee,  
Distt. : Nagpur.
14. Shri Nandkishore Krushnarao Pachpor,  
Aged about 60 years, Occu. Retired,  
R/o. Butibori, Tah.: Hingna,  
Distt. Nagpur.
15. Shri Suresh s/o Ratiram Raut,  
Aged about 64 years, Occu.: Retired,  
R/o Sanmarg Nagar, Hudkeshwar,  
Nagpur.
16. Shri Rajaram s/o Dewaji Bisen,  
Aged about 72 years, Occu.: Retired,  
R/o Amad Nagar, (Parsoda), Ramtek,  
Dist.: Nagpur.
17. Shri Baba s/o Shankar Atkar,  
Aged about 59 years, Occu.: Retired,  
R/o Vaishali Nagar (Parsoda), Ramtek,  
Distt.: Nagpur.
18. Shri Prakash s/o Domaji Lakshane,  
Aged about 64 years, Occu.: Retired,  
R/o Shikshak Colony (Parsoda),  
Shitalwadi, Ramtek,  
Distt.: Nagpur.
19. Shri Tilaksingh Shivpalsingh Gautam,  
Aged about 61 years, Occu.: Retired,

R/o Ramji Nagar, (Parsoda), Ramtek,  
Distt.: Nagpur.

20. Shri Suraj s/o Lakharam Salame,  
Aged about 59 years, Occu.: Retired,  
R/o Umri (Navegaon), Tah.: Ramtek,  
Dist.: Nagpur.
21. Manojkumar Rameshkumar Jaiswal,  
Aged about 60 years, Occu.: Retired,  
R/o Nagpur.
22. Shri Narayan s/o Punaram Dongare,  
(Dead) through his legal heirs :-  
Smt. Jashoda wd/o Narayan Dongare,  
Aged about 55 years,  
Occu.: Nil, R/o. Zinzriya, Tah.: Ramtek,  
Dist.: Nagpur.
23. Shri Mangalsingh s/o Holuji Khandate,  
(Dead) through his legal heirs :-  
Smt. Leelabai wd/o Mangalsingh Khandate,  
Aged about 55 years, Occu.: Nil,  
R/o Swami Vivekanand Ward, Barve Layout, Ramtek,  
Distt. Nagpur.
24. Shri Bhagwan s/o Sahadeo Meshram,  
(Dead) through his legal heirs:-  
Smt. Kavita wd/o Bhagwan Meshram,  
Aged about 43 years, Occu.: Nil,  
R/o Vaishali Nagar (Parsoda), Ramtek,  
Distt.: Nagpur.
25. Shri Kishore s/o Marotrao Keluke,  
Aged about 47 years, Occu. Service,  
R/o Kasa Lotus, Beside of D Mart, [A Wing],  
Wanadongari, Tah.: Hingna,  
Distt.: Nagpur.
26. Ku. Bhojwanti d/o Hemraj Sulakhe,  
Aged about 30 years, Occu.: Service,

R/o Sakri Tola, (Zalia), Tah. Salekasa,  
Distt. Gondia.

27. Shri Jagdish s/o Damaji Hatwar,  
Aged about 53 years, Occu.: Service,  
R/o New Friends Colony, Khat Road, Bhandara,  
Distt.: Bhandara.
28. Shri Ritesh s/o Nagorao Bhongade,  
Aged about 43 years, Occu.: Service,  
R/o Sewagram, Distt.: Wardha.
29. Ku. Rani d/o Manikrao Thombre,  
Aged about 30 years, Occu.: Service,  
R/o. C/o. R.F.O., Narkhed.
30. Shri Pravin s/o Uttamrao Warthi,  
Aged about 32 years, Occu.: Service,  
R/o. C/o. R.F.O., Narkhed.
31. Ku. Bhagyashri Shankarrao Walurkar,  
Aged about 32 years, Occu.: Service,  
R/o. Hanuman Mandir, Katol,  
Distt.: Nagpur.
32. Shri Vivek s/o Bhaskarrao Rajurkar,  
Aged about 35 years, Occu.: Service,  
R/o. R.F.O., East Pench,  
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 Sub Treasury Officer, Ramtek,  
Distt.: Nagpur.

**Respondents**

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

**Shri A.M.Khadatkar, Id. P.O. for the respondents.**

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

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**JUDGMENT**

**Judgment is reserved on 02<sup>nd</sup> July, 2024.**

**Judgment is pronounced on 19<sup>th</sup> July, 2024.**

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

2. Contention of the applicants is that they had worked in Tribal Area as notified by G.R. dated 09.03.1990 (A-4), under the Pench Tiger Project and hence, benefit of G.R. dated 06.08.2002 (A-3) issued by G.A.D., Government of Maharashtra, in the form of One Step Promotion Scale, should be extended to them.

The relevant details in respect of service of the applicants in Tribal Area are as follows:-

**Chart of the applicants, showing date of  
joining & date of relieving**

Name of Applicant	Joining Date	Till Date
Shri Arun J. Gite	18/05/2015	31/05/2019
Shri Avinash P. Mundkar	15/05/2015	31/05/2019
Shri Vishnu R. Sawant	07/09/2013	15/06/2018
Shri Swarup N. Kerwar	04/01/2013	18/04/2017
Mohd. Arif Mohd. Asgar	10/05/2010	31/01/2019
Shri Raju P. Uikey	14/06/2016	24/06/2019
Shri Dattatray G. Vibhute	27/09/2017	13/08/2021
Shri Akash D. Bagade,	22/04/2013	18/06/2018
Shri Goverdhan G. Sontakke	10/09/2014	25/06/2017
Shri Pratik S. Modwan	05/10/2018	02/09/2021
Shri Vijay B. Pawar	10/07/2012	07/08/2020
Shri Shyamsunder M. Dongare	14/02/2012	31/03/2016

Shri Bhagwan A. Kathane	12/01/2012	30/06/2016
Shri Nandkishore K. Pachpor	04/06/2001	05/06/2006
Shri Suresh R. Raut	26/02/2013	31/08/2017
Shri Rajaram D. Bisen	01/06/2006	30/06/2009
Shri Baba S. Atkar	01/07/2001	17/01/2023
Shri Prakash D. Lakshane	24/06/2003	29/06/2010
Shri Tilaksingh S. Gautam	12/06/2014	12/02/2019
Shri Suraj L. Salame	01/07/2001	27/01/2014
Shri Manojkumar R. Jaiswal	01/11/2012	18/12/2017
Shri Narayan P. Dongare	2008	31/12/2010
Shri Mangalsingh H. Khandate	07/04/2006	2009
Shri Bhagwan S. Meshram	22/10/2007	02/06/2016
Shri Kishore M. Keluke	27/05/2015	15/11/2018
Ku. Bhojwanti H. Sulakhe	12/01/2012	04/06/2016
Shri Jagdish D. Hatwar	09/01/2012	22/05/2015
Ku. Rani M. Thombre	01/01/2013	07/08/2020
Shri Pravin U. Warthi	18/07/2012	07/08/2020
Ku. Bhagyashri S. Walurkar	03/01/2013	30/06/2018

Hence this O.A. seeking directions to the respondents to extend benefits of One Step Promotion Scale to the applicants as per G.R. dated 06.08.2002.

3. Respondents 3 to 6 do not dispute that the applicants were posted under the Pench Tiger Project and they had served in Tribal Area. Reply of these respondents also refers to the Judgment of this Bench dated 08.03.2023 in O.A. No. 673/2022.

4. Copy of judgment dated 08.03.2023 is at A-6 wherein it is 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 नक्षलग्नस्त/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 असेपर्यंतच्या 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 असेपर्यंतच अनुज्ञेय राहील. 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 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.

Identical view is taken by this Bench while deciding a batch of three O.As. by common judgment dated 24.06.2024 wherein, while considering the preliminary issue of limitation, it is held:-

*So far as preliminary ground of limitation is concerned, the applicants have relied on Judgment of the **Hon'ble Supreme Court in the case of M.R.Gupta Vs. Union of India & Ors. AIR 1996 SCC 669** in this case it is held –*

*The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind. (See Thota China Subba Rao and Others vs. Mattapalli Raju and Others, AIR 1950 Federal Court 1).*

*Thus, the wrong of which the applicants are seeking redressal is a continuing wrong and hence question of limitation will not arise.*

5. In view of aforesaid legal position, **the O.A. is allowed.**

The respondents are directed to verify the list of Villages where the applicants had worked, as well as duration of their service in Tribal area, and pay promotional pay scale to them as per G.R. dated 06.08.2002, if

the applicants are eligible for the same. This order is applicable to the applicants only. No order as to costs.

**Member (J)**

**Dated :- 19/07/2024**  
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 : 19/07/2024  
and pronounced on

Uploaded on : 22/07/2024