



## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## NAGPUR BENCH : NAGPUR

Writ Petition No.5063 of 2024

Vijay Baburao Bansod and others ... Petitioners  
-Versus-  
State of Maharashtra and others ... Respondents

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Mr. P.S. Kshirsagar, Advocate for the Petitioners  
Mr. J.Y. Ghurde, AGP for the Respondent No.1/State  
Ms Meghna Munshi, Advocate for the respondent Nos.2 and 3/Zilla  
Parishad, Gadchiroli  
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CORAM : BHARATI DANGRE  
& ABHAY J. MANTRI, JJ.  
DATE : 01.10.2024

ORAL JUDGMENT : (PER : BHARTI DANGRE, J)

1. Heard.
2. **Rule.** Rule is made forthwith. Heard finally by the consent of the parties.
3. Mr. Ghurde, learned AGP, waives service of notice for the respondent No.1/State.
4. Ms Meghna Munshi, learned counsel, waives service of notice for the respondent Nos.2 and 3.
5. By this petition, 254 petitioners seek directions to the Chief Executive Officer, Zilla Parishad, Gadchiroli to revise Tribal Incentive Allowance and to release arrears of the same along with

additional House Rent Allowance as per 6<sup>th</sup> and 7<sup>th</sup> pay commission.

The petitioners place reliance upon the Government Resolution (GR) dated 6<sup>th</sup> August 2002, implementing the special programme for the Naxalite Area and this includes extension of the special incentive/allowance and the House Rent Allowance to those employees working in the Naxalite affected areas.

This GR revised the earlier policy, which was prevailing and as far as the incentive allowance is concerned, it changed the manner of determination of the incentive allowance, as contemplated in G.R. dated 5<sup>th</sup> February, 1999, by specifying that the officers/employees, working in the Naxalite area, shall be entitled to incentive allowance @ 15 % of their pay, minimum of Rs.200/- and maximum admissible allowance to be Rs.1,500/- per month.

Reliance is also placed on the communication of the State Government addressed to the Chief Executive Officer, Gondia, clarifying that the provisions contained in the G.R. dated 06<sup>th</sup> August 2002 shall also be made applicable to all the employees working in the Rural Development Department, which includes the teachers and the other employees.

6. The learned counsel for the petitioners has placed before us a decision of the Nagpur Bench in the case of ***Narayan Ratanlal Thakre and others Vs. State of Maharashtra*** (Writ Petition No.6114 of 2023), decided on 22<sup>nd</sup> February, 2024, pertaining to

the Zilla Parishad Gondia. The similar relief was claimed by 60 employees, within the purview of Zilla Parishad, Gondia, where they made a grievance that in pursuance to the GR dated 06<sup>th</sup> August 2002, they preferred representations to the respondents at a regular interval, but they were kept away from the benefits flowing from the said GR.

It was urged that the State Government had made it evidently clear that the provisions of the GR dated 06<sup>th</sup> August 2002 shall be made applicable to the employees of the Zilla Parishad as per their existing pay-scales.

7. In the wake of the aforesaid grievance, the Rule was made absolute in the petition by following directions.

*“5. It is Contended by the petitioner that this Court in several cases, already held that the said employees shall be entitled to receive the aforesaid benefits in terms of the 6<sup>th</sup> and 7<sup>th</sup> Pay Commission. The present matter is covered by the judgment dated 13/02/2024 in Writ Petition No. 4416/2023 with Writ Petition No. 7634/2023. As such the present petition is allowed by directing the respondent to release the benefits of Incentive Allowance and Additional House Rent Allowance, in favour of the petitioners as per the Recommendations of the 6<sup>th</sup> and 7<sup>th</sup> Pay Commission w.e.f. 01/01/2006 and 01/01/2016 respectively till the date of their retirement and to forthwith pay the arrears of difference of amount of Incentive Allowance and Additional House Rent Allowance, in favour of the petitioners, within a period of four weeks.”*

8. Reliance is placed on another decision delivered in the case of ***Sameer Manoharrao Dakhole and others Vs. State of***

**Maharashtra** (Writ Petition No.3950 of 2024) decided on 12<sup>th</sup> September 2024, extending the similar benefits. This decision relates to the Zilla Parishad, Yavatmal, as the petitioners, wherein, were working in the Naxalite area of Zilla Parishad, claimed Tribal Incentive Allowance and additional House Rent Allowance and this relief came to be granted.

9. The petitioners before us have filed the present petition seeking a similar relief based on the policy decision of the State, along with the communication addressed to the Zilla Parishad, Gondia.

10. We are therefore, inclined to grant relief in terms of prayer clause (i) by directing the Zilla Parishad, Gadchiroli to release necessary payment to the petitioners, within a period of three months from today.

11. Rule is made absolute in terms of prayer clause (i), which reads as under:

*“(i) Direct the respondent No. 1 the Chief Executive Officer Zilla Parishad, Gadchiroli to revise the Tribal Incentive Allowance and to pay the arrears of Tribal incentive allowances and additional House Rent Allowance to the petitioners as per pay scale of 6th Pay and 7th Pay Commission under the provisions of GR dated 06/08/2002 (Anex No. 3) as per letter dated 16/09/2020 (Annex. No. 19) and by extending the benefit of order of this Hon'ble Court in Writ Petition No.3837/2021 dated 02/03/2022(Anex. No.21) and grant benefit of House Rent*

*Allowance w.e.f. March 2023 along with arrears if any in view of Revised GR dated 19/01/2023 within stipulated period;”*

12. The Writ Petition is made absolute in the above terms.

13. We are surprised to see the number of employees from various Zilla Parishads, blocking this Court through various petitions and seeking adherence to the directives in the GR dated 06<sup>th</sup> August, 2002 to extend the benefits of the incentive as well as house rent allowance to the employees working in Naxalite area, which includes the employees working with Zilla Parishad.

It is unfortunate that despite a specific order being passed, which is not assailed before the Apex Court and has attained finality, the employees are required to approach the Court, depending upon which Zilla Parishads they are working.

When the State Government, under General Administration Department, has issued a resolution with consensus of the finance department, it is imperative for the Zilla Parishad to abide by the directives contained therein.

14. We deem it appropriate to direct the Secretary, Rural Development Department to address communication to each Zilla Parishad in the State directing it to ensure compliance of the policy decision of the State Government, as contained in the GR dated 06<sup>th</sup> August 2002, issued by the General Administration Department, by issuing appropriate communication so that we

can curtail further inflow of the petitions by the employees seeking similar reliefs.

[ABHAY J. MANTRI, J]

[BHARATI DANGRE, J]