

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.2794 OF 2001
WITH
C.A.NO.5500 OF 2002**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Dr.Shrikant Patil, advocate for the Petitioners.
Mr.N.P.Patil, Asstt. Govt. Pleader for the State.
Mr.K.B.Choudhari, advocate for Respondent Nos.6 and 7.
Mr.V.S.Bedre, advocate for Respondent No.12.
Mr.N.R.Bhavar, advocate for Respondent Nos.15 and 25.
Mr.R.N.Dhorde, Senior advocate for Respondent No.8.

**CORAM : S.V.GANGAPURWALA &
A.I.S.CHEEMA, JJ.**

Date : 13.04.2015.

PER COURT :

1. Heard.
2. Mr.Patil, learned counsel for the petitioners submits that all the petitioners have acquired Ph.D. qualification prior to 1.1.1996. The learned counsel submits that the acts of the Respondents in withdrawing the benefit of two advance increments granted to the petitioners with effect from 1.1.1996 is illegal. The Circular dated 27.6.2000 is not in consonance with the recommendation of the 5th Pay Commission as was taken by the Central Government on 27.7.1998. The learned counsel submits that the case of the present

petitioners is covered with the judgment of the Division Bench of this Court at Nagpur in W.P.No.89/2002 with connected Writ Petitions disposed of vide Judgment dated 12.12.2014.

3. Mr.Irale Patil, learned counsel for Respondent No.3 and learned Asstt. Govt. Pleader for other Respondents have satisfied themselves about the factum of petitioners acquiring Ph.D qualification prior to 1.1.1996. It is not disputed that petitioners were accorded the benefit of two advance increments with effect from 1.1.1996. The same was subsequently cancelled and were given benefit of two advance increments with effect 27.7.1998.

4. We have gone through the judgment delivered by the Division Bench of this Court at Nagpur dated 12.12.2014 in W.P.No.89/2002 with connected Writ Petitions, the case of the petitioners is squarely covered by the said judgment.

5. In light of the above and for the reasons recorded in the judgment dated 12.12.2014 in W.P.No.89/2002 with connected Writ Petitions, the present Writ Petition is also allowed in terms of prayer clauses C and D. It is held that petitioners are entitled for two additional increments from 1.1.1996 or from the date of acquiring Ph.D. Degree if the Ph.D degree is acquired after 1.1.1996.

6. In case some recovery is made from the petitioners on account of grant of two advance increments with effect from

1.1.1996 then the same be refunded to the petitioners.

7. Rule accordingly made absolute in above terms. No costs.

8. In view of disposal of Writ Petition, the Civil Application also stands disposed of.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt..13.04.2015.
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