

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.35368 OF 2016

Desai Appasaheb Hindurao and others	Petitioners
versus	
The State of Maharashtra and others	Respondents

Mr.S.S.Pakale with Mr.S.M.Katkar for Petitioners.
Mr.PP.Kakade, AGP, for State.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 23rd December 2016

PC :

1. By this petition under Article 226 of the Constitution of India, the Petitioners are seeking directions to the Respondents to grant two additional/advance increments to the Petitioners from the date of granting award in the scale (i.e. 6th pay scale) available when the award was given to them. According to the Petitioners, they were given benefit for a few months but subsequently it was withdrawn on the basis of policy decision taken by the State Government.

2. Learned counsel for Petitioners has placed reliance on various decisions of this Court including a Nagpur Bench decision in the case of **Satish Madhaorao Kale and others Vs. State of Maharashtra and others**¹. In the said order dated 28th October 2016, the Division Bench after examining the controversy involved in the petition, has decided an identical issue holding the Petitioners in the said petition entitled for the relief as has been granted in the earlier petitions

¹ Writ Petition No.5001 of 2016 decided on 20.10.2016

including in Writ Petition No.6116 of 2014. Having gone through the said order, we find that the question involved in the present petitions is squarely covered by the said order.

3. Learned AGP submits that a communication dated 1st December 2016 has been issued by Desk Officer, Education and Sports Department, Government of Maharashtra informing the office of Government Pleaders that as per the decision taken in the meeting held on 24th November 2016, benefit has to be given to all such teachers who have been awarded State/National award of "Aadarsh Shikshak".

4. Keeping in view the law laid down by Division Bench in case of Satish Madhaorao Kale (supra), as also further communication of the State dated 1st December 2016 in which a categorical decision taken by the State Government is recorded, we allow this petition in terms of prayer clause (a) of the petitions and direct the State Government to disburse the monetary benefits to the Petitioners within a period of six weeks from today.

5. With above directions, both petitions stand disposed of. No order as to costs.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)

MST