

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.6043 OF 2016

Shri Kashinath Manoharrao
Mogarkar and another ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...

**WITH
WRIT PETITION NO.8683 OF 2016**

Dr.Gopalrao Ganpatrao Nandapurkar
and others. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Miss.Kamble, advocate holding for Mr.S.V.Adwant,
advocate for the petitioners.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.S.G.Sangle, advocate for Respondent No.3.

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**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 17.04.2017.

PER COURT :

1. Heard.

2. Learned counsel for petitioners states that though at the request of petitioners leave to amend was granted. Now the petitioners have second thought and does not want to amend the petitions. As such the order granting leave to amend stands recalled.

3. Learned counsel for the petitioners states that all the petitioners in both the Writ Petitions except petitioner No.10 in W.P.No.8683/2016 have acquired their Ph.D. prior to 1.1.1996. The petitioner No.10 in W.P.No.8683/2016 has acquired his Ph.D. after 1.1.1996 and all other petitioners except petitioner Nos.9 and 11 in W.P.No.8683/16 have acquired their Ph.D. prior to 1.1.1986. The petitioners would be entitled for the benefit of two advance increments as per GR dated 11.12.1999 and 30.12.1999. The petitioners on account of their acquiring Ph.D. qualifications earlier have

not taken the benefit of advance increments, as such are governed by the Circular dated 27.6.2000.

4. Learned A.G.P. states that the petitioners have nowhere stated nor have brought to the notice of the authorities that they have not availed benefit of advance increments earlier. They were entitled for three advance increments as per GR dated 10.9.2008. In view of the fact that they are entitled for the benefit of three advance increments as per GR of 2008, they are not entitled for advance increments as per GR of 1999.

5. We have also heard Mr.Sangle, learned counsel for Respondent No.3.

6. The petitioners have stated on oath that they have not claimed any advance increments on account of having acquired Ph.D. qualifications prior to 1.1.1986. The said statement is accepted. In view of the Circular dated 27.6.2000, the petitioners have opted for

the revised scale after 1.1.1996 as per GR of 1999. The learned counsel for the petitioner seeks payment of interest for not having been accorded the benefit.

7. The Circular of 2000 also gives an option. The said option was required to be exercised and entry to that effect was required to be taken in the service book, however, it appears that the same is not done. Moreover, the petitioner have also approached the Court after a long slumber. Considering the above, the payment of past interest is negatived.

8. In view of that the Respondent after verifying that the petitioners have not availed any benefit of advance increments earlier shall award two advance increments to all the petitioners except petitioner No.10 in W.P.No.8683/16 as per GR dated 11.12.1999 and to the petitioner No.10 in W.P.No.8683/16 as per GR dated 30.12.1999. The same be done expeditiously within six months. However, if within a period of six (6) months, the Respondents do not pay the

benefit to the petitioners then the Respondents would be liable to pay interest at the rate of Rs.6% p.a. on the delayed payment from the date of this order. The benefit of the relevant GR as stated above would be given with effect from 1.1.1996.

9. The Writ Petitions are disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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