

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

WRIT PETITION NO. 6731 OF 2019

Uttamrao Shyamrao Shejwal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shivkumar K. Mathpati, Advocate for Petitioners.
Ms. R. P. Gaur, A.G.P. for Respondent Nos. 1 to 5.
Shri S. B. Ghute, Advocate for Respondent Nos. 6 and 7.

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

DATE : 11TH JUNE, 2019.

FINAL ORDER :

. It is submitted that, petitioner in the present writ petition is holder of State awardee certificate and advance increments are granted in the year 2008. He was given benefit of advance increments and same was also paid. However, now recovery is claimed from the petitioner. If the petitioner is already granted certificate of excellent work in the year 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

2. The same view was taken by us in Writ Petition No. 1954 of 2018 with other connected writ petitions under order dated

25.01.2019.

3. The Government Resolution dated 04.09.2018 will have prospective effect and not retrospective and in that case benefit that was accorded to the petitioner of excellent work in the year 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

4. In the light of the above, writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb / June 19