

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

977 WRIT PETITION NO.7772 OF 2019

**BHAGWAN ARJUNRAO FUNDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : Murge Estling S
AGP for Respondents: K.D.Munde
Adv.K.B.Jadhavar for R.2 & 3**

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

DATE : 26/06/2019

PER COURT :

Notice. A.G.P. accepts notice for respondent no.1, Mr. K.B.Jadhavar, Adv. accepts notice for respondent nos. 2 and 3 and submits that the petitioner is covered under the judgment dated 03.04.2019 in Writ Petition No.12699 of 2018 with connected writ petitions.

2] The petitioner in this petition is awarded certificate of excellent work and advance increment in the year 2008. He was given benefit of advance increment and same was also paid. However, now recovery is made. If the petitioner is already granted certificate of excellent work in 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

3] The Government Resolution dated 24/8/2017 will have prospective effect and not retrospective and in that case benefit that

was accorded to petitioner for excellent work in the year 2008 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

In light of that Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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