

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

WRIT PETITION NO. 8171 OF 2019

Balasaheb Janardhan Jaybhaye & Ors. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

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Appearance :-

Shri. D. R. Irale Patil, Advocate for the petitioners

Shri. P. S. Patil, AGP for respondent/State

Shri. K. B. Jadhavar, Advocate for respondent No. 2

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**CORAM : S. V. GANGAPURWALA
AND
ANIL S. KILOR, JJ.**

DATE : 07TH OCTOBER, 2019

PER COURT:-

1. It is submitted that, petitioners are awarded certificate of excellent work and advance increments in the year 2007 and 2009. They were given benefit of advance increments and same was also paid. However, now for some of the petitioners recovery is claimed and for some of the petitioners benefit is not extended. If the petitioners are already granted certificate of excellent work in the year 2007 and 2009, then the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to petitioners of excellent work in the year 2007 and 2009 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

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

[ANIL S. KILOR]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde