

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

11 WRIT PETITION NO.8460 OF 2019

RAJARAM TUKARAM KALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the
Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. Maheshkumar S. Sonawane, Advocate for
Respondent No.2.

...

WITH

13 WRIT PETITION NO.8462 OF 2019

DATTATRAYA BHUJANGRAO DESHPANDE AND OTHERS
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the
Petitioners.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. Maheshkumar S. Sonawane, Advocate for
Respondent No.2 and 3.

...

WITH

33 WRIT PETITION NO.8530 OF 2019

GOVIND RAMBILASJI SARDA AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the

Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. V. M. Chate, Advocate for Respondent No.2 and 3.

...

WITH

41 WRIT PETITION NO.8555 OF 2019

USHA MADHUKAR SONAR AND OTHERS

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the
Petitioners.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Maheshkumar S. Sonawane, Advocate for
Respondent No.2 and 3.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. It is submitted that, petitioners in these writ petitions are awarded certificate of excellent work and advance increments in the year 2007 to 2009. They were given benefit of advance increments and same was also paid. However, now for some of petitioners recovery is claimed and for some of petitioners benefit is not extended. If petitioners are already granted certificate of excellent work in the year 2007, 2008 and 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 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in that case benefit that was accorded to petitioners of excellent work in the year 2007, 2008 and 2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to petitioners.

4. In the light of the above, writ petitions are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE