

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9367 OF 2019

KASHINATH BABUAO BRAHAMANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Salgare Vitthal G.

AGP for Respondents No. 1 to 3 :

Mr. S. B. Pulkundwar

Advocate for Respondents No. 4 & 5 :

Mr. N. U. Yadav

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CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.

DATE: 04th NOVEMBER, 2019

PER COURT:

1. It is submitted that, petitioner is awarded certificate of excellent work and advance increment in the year 2006. He was given benefit of advance increment but the same was not paid. If the petitioner is already granted certificate of excellent work in the year 2006, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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and in that case benefit that was accorded to the petitioner of excellent work in the year 2006 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.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 above, writ petition is disposed off. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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