

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

WRIT PETITION NO. 10558 OF 2019

Shivaji Govindrao Yerande
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri R. D. Biradar, Advocate for Petitioners.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 4.

shri U. B. Bondar, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 12TH DECEMBER 2019.

FINAL ORDER :

. The learned counsel for petitioners seeks leave to delete the petitioner No. 5. At the request of the learned counsel for the petitioners, the writ petition stands dismissed to the extent of the petitioner No. 5.

2. It is submitted that, petitioners in this Writ Petitions are awarded certificate of excellent work and advance increments in the year 2007/2009. 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 If the petitioners are already granted certificate of excellent work in the year 2007/2009, then same cannot be withdrawn retrospectively on the basis of subsequent

Government Resolution.

3. 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.

4. 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and in that case benefit that was accorded to petitioners of excellent work in the year 2007/2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

5. In the light of the above, Writ Petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 19