

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11571 OF 2017

Indrakumar Pandurang Sarwade
and others

...Petitioners

Versus

The State of Maharashtra and others ...Respondents

...

Mr. Sanjay B. Bhosale, Advocate for petitioners

Mr. A. V. Deshmukh, Assistant Government Pleader for
respondents no. 1 to 5

Ms. S. S. Renge (Doke), Advocate for respondents no. 6 to 15

...

CORAM: SUNIL P. DESHMUKH &
S. M. GAVHANE, JJ.

DATE: 19th July, 2019

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioners states that the benefit of advance increments granted to the petitioners on account of excellent work in the years 2006 to 2008 is being sought to be withdrawn. Petitioners were given benefit of advance increments and were also paid accordingly. The amounts received by the petitioners on account of advance increments is sought to be recovered with reference to Government Resolution dated 24th August, 2017.

3. Learned counsel for the petitioners also draws attention to that this court has declared that said government resolution dated 24th August, 2017 will have prospective effect and not retrospective. While benefit of advance increment was accorded to the petitioners for excellent work in the years 2006, 2007 and 2008, the same is not liable to be withdrawn pursuant to government resolution dated 24th August, 2017 and recovery made pursuant to the same needs to be refunded to the petitioners. For said purpose, learned counsel for the petitioners refers to order dated 3rd April, 2019 in writ petition no. 12699 of 2018 and companion matters.

4. Perusal of aforesaid order lends substance to the submissions advanced on behalf of the petitioners and further shows that a similar view had been taken in writ petition no. 1954 of 2018 with other connected writ petitions under order dated 25th January, 2019.

5. In view of aforesaid, we deem it appropriate to give similar treatment to present writ petition.

6. As such, while the petitioners have already been granted certificates of excellence in the years 2006, 2007 and 2008 and have been granted and have received benefit of advance increments as per policy of the government prevailing at that

time, the same would not be withdrawn on the basis of subsequent government resolution dated 24th August, 2017. Recovery, if any made pursuant to government resolution dated 24th August, 2017 from the petitioners shall be refunded to them.

7. Writ petition accordingly stands disposed of in terms of order dated 11th June, 2019 passed in writ petitions no. 14797 and 14898 of 2017 with no order as to costs. It is hoped that the amounts, if any, recovered from the petitioners would be refunded as early as possible, preferably within a period of four months from the date of this order.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

vdk