

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12293 OF 2019

NAMDEO DHONDIBA MOHITE
AND ANOTHER

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. V.M. Kagne, AGP for Respondents-State

AND

WRIT PETITION NO.12308 OF 2019

GIRISH MADHAVRAO SANGLE
AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER

...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. K.B. Jadhavar, AGP for Respondents-State

AND

WRIT PETITION NO.12329 OF 2019

RAMESH BABANRAO SONAWANE
AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. P.G. Borade, AGP for Respondents-State

AND
WRIT PETITION NO.12356 OF 2019

DILIP GOVINDA SONAWANE
AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. S.P. Tiwari, AGP for Respondents-State

AND
WRIT PETITION NO.12361 OF 2019

VINOD HARICHANDRA SINGARE
AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. P.S. Patil, Addl. G.P. for Respondents-State

AND
WRIT PETITION NO.12375 OF 2019

ROHINI RAMAKANT SELAMOHKAR
AND OTHERS ...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr. S.B. Sontakke, Advocate for Petitioners
Mr. S.B. Pulkundwar, AGP for Respondents-State

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

DATE : 9th OCTOBER, 2019

ORAL ORDER:

1. Leave to correct the respondent No. 3 in Writ Petition No. 12375 OF 2019.
2. The learned counsel for petitioners and the learned Additional/Assistant Government Pleaders in respective writ petitions are at consensus that the petitioners are similarly situated as the petitioners in Writ Petition No. 12699 of 2018 with other connected Writ Petitions decided vide order dated 03.04.2019.
3. In view of that, we follow the same course and pass the following order :

I] It is submitted that, petitioners in these Writ Petitions are awarded certificate of excellent work and advance increments in the year 2006 to 2008. 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 2006, 2007 and

2008, the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

II] 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.

III] The Government Resolution dated 24/08/2017 will have prospective effect and not retrospective and if benefit was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, 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 Petitions are disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta