

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

WRIT PETITION NO. 3238 OF 2018

Kalyan Gulabrao Pawar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 3239 OF 2018**

Dilip Bhimrao Mahajan and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Prakashsing B. Patil, Advocate for Petitioners in both matters.

Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.

The Respondent Nos. 3 to 5 are served in W. P. No. 3238 of 2018.

Shri A. B. Gaikwad, Advocate for Respondent Nos. 3 and 4 in W. P. No. 3239 of 2018.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. It is submitted that, petitioners in both the writ petitions are awarded certificate of excellent work and advance increments in the year 2006 and 2007. 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If the petitioners are already granted certificate of excellent work in the year 2006 and 2007, then the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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and in that case benefit that was accorded to petitioners of excellent work in the year 2006 and 2007 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.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.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]