

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

955.1 WRIT PETITION NO.13756 OF 2019

HAIBATRAO RAMRAO LAHANE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

955.2 WRIT PETITION NO.13757 OF 2019

SWARUPCHAND RAMLAL BENDWAL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

955.3 WRIT PETITION NO.13758 OF 2019

NARAYAN LAXMAN ROTHE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

955.4 WRIT PETITION NO.13759 OF 2019

DILIP EKNATH BAGAD AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

955.5 WRIT PETITION NO.13760 OF 2019

RUPCHAND NARAYAN SHINDE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

955.6 WRIT PETITION NO.13761 OF 2019

PRAVIN RAMRAO PATIL AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the Petitioners.

Mr. S. P. Tiwari, AGP for Respondent-State in all WP.

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

DATED : 14th NOVEMBER, 2019.

PER COURT:-

1. The learned counsel for petitioners and the learned Additional/Assistant Government Pleader are at consensus that the petitioners are similarly situated as the petitioners in Writ Petition No. 12699 of 2018 with with other connected Writ Petitions decided vide order dated 03.04.2019.

2. 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the petitioners are already granted certificate of excellent work in the year 2006, 2007 and 2008, the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 24/8/2017 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and if benefit was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

3. In the light of the above, Writ Petitions are disposed of. No costs

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE