

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

WRIT PETITION NO. 14232 OF 2019

Dipak Vasantryao Kulkarni .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shivkumar K. Mathpathi, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for the Respondent Nos. 1 to 3.
Shri P. P. Dama, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.
DATE : 26TH NOVEMBER, 2019.**

FINAL ORDER :

. It is submitted that, petitioner in this writ petition is awarded certificate of excellent work and advance increments in the year 2006. He was given benefit of advance increments and same was also paid. However, now for the petitioner recovery is claimed. If the petitioner is already granted certificate of excellent work in the year 2006, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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retrospective and in that case benefit that was accorded to petitioner of excellent work in the year 2006, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

4. In view of the above, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

bsb/Nov. 19