

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

7 WRIT PETITION NO.13357 OF 2019

**NETAJI VITTHALRAO GARAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Shri Suhas B. Ghute
AGP for Respondents – State : Shri S.P. Tiwari
Advocate for Respondents No.5 & 6 : Shri R.D. Raut

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**CORAM : S V GANGAPURWALA & AVINASH G. GHAROTE, JJ.
Dated: November 05, 2019**

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PER COURT :-

1. It is submitted that, petitioners in the writ petition are awarded certificate of excellent work and advance increments in the years 2006 to 2009. 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 If the petitioners are already granted certificate of excellent work in the years 2006 to 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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and in that case benefit that was accorded to petitioners of excellent work in the years 2006 to 2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.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 petition is disposed of. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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Gajanan