

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15241 OF 2017

SANGITA WAMANRAO BHAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. E.S. Murge, Advocate for petitioner
Mr. S.B. Ghute, Advocate for respondents no. 2 and 3
Mr. S.S. Dande, AGP for respondent - State
...

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.
DATE : 23-07-2019

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for petitioner draws our attention to an order dated 02-07-2019 passed by us in writ petition no. 5646 of 2017, submitting that benefit of advance increment granted to petitioner on account of excellent work in the year 2008 is being sought to be withdrawn. Petitioner was given benefit of advance increment and was paid accordingly. The amount received by the petitioner on account of advance increment is sought to be recovered with reference to Government Resolution dated 24-08-2017.

3. Learned counsel for petitioner also draws attention to that this court has declared that said Government Resolution dated 24-08-2017 will have prospective effect and not retrospective. While benefit of advance increment was accorded to petitioner for excellent work in the year 2008, the same is not liable to be withdrawn pursuant to Government Resolution dated 24-08-2017 and recovery made pursuant to the same needs to be refunded to petitioner. For said purpose, learned counsel for petitioner refers to order dated 03-04-2019 in writ petition no. 12699 of 2018 and companion matters.

4. Perusal of order lends substance to the submissions advanced on behalf of the petitioner and further shows that a similar view had been taken in writ petition no. 1954 of 2018 with other connected writ petitions under order dated 25-01-2019.

5. In view of aforesaid, we deem it appropriate to give similar treatment to present petitioner.

6. As such, while the petitioner had already been granted certificate / order of excellence in the year 2008 and had been granted and had received benefit of advance increments / amounts as per policy of the Government prevailing at that time, the same would not be withdrawn on the basis of subsequent resolution

dated 24-08-2017. Recovery, if any, made pursuant to Government Resolution dated 24-08-2017 from the petitioner shall be refunded to her.

7. Writ petition accordingly stands disposed of with no order as to costs. It is hoped that the increments / amounts, if any, recovered from the petitioner would be refunded as early as possible, preferably within a period of four (4) months from the date of receipt of writ of this order.

[S.M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/