

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

13. WRIT PETITION NO. 14749 of 2019

Smt. Chandrakala Satyawar Gadhave

...Petitioner

VERSUS

The State of Maharashtra and others

...Respondents

Mr. S.B., Bhosale, Advocate for petitioner

Mr. K.N. Lokhande, Asstt. Govt. Pleader for Respts. No. 1 & 2

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

DATE : 9th December, 2019

PER COURT :

1. It is submitted that the petitioner is awarded certificate of excellent work and advance increment in the year 2009. She was given benefit of advance increment and the same was also paid. However, now recovery is claimed and the benefit is not extended. If the petitioner is already granted certificate of excellent work in the year 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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and in that case benefit that was accorded to the petitioner of excellent work in the year 2009 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

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

(AVINASH G. GHAROTE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

Madkar