

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

943 WRIT PETITION NO. 15388 OF 2019

Suresh Shankar Borse

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

954 WRIT PETITION NO. 15402 OF 2019

Suryakant Dattatraya Kulkarni and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sandeep B. Sontakke, Advocate for Petitioners in both matters.
Mrs. M. A. Deshpande, Addl. G. P for Respondents-State in both matters.

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

DATED : 18th DECEMBER, 2019.

PER COURT:-

1. The learned counsel for the petitioners and the learned Additional Government Pleader are at consensus that the petitioners are similarly situated as the petitioners in Writ Petition No. 12699 of 2018 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the petitioners are already granted certificate of excellent work in the year 2006, 2007 and 2008, the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 24.08.2017 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and if benefit was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.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

PS.B.