

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

944. WRIT PETITION No. 3258 of 2020

Prabhakar S/o Jayawant Jadhav
and Kishor Shivajirao Athare

...Petitioners

VERSUS

The State of Maharashtra and another

...Respondents

Mr. M.R. Sonawane, Advocate for petitioners

Mrs. M.A. Deshpande, Addl. Govt. Pleader for respondents

CORAM : S.V. GANGAPURWALA &

SHRIKANT D. KULKARNI, JJ.

DATE : 26th February, 2020

ORDER :

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 3rd April 2019.

2. In view of that, we follow the same course and pass the following order :

I. It is submitted that, petitioners are awarded certificate of excellent work and advance increments in the year 2007 and

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 If the petitioners are already granted certificate of excellent work in the year 2007 and 2008, the same cannot be withdrawn retrospectively on the basis of the subsequent Government Resolution.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 24/8/2017 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and if benefit was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.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, the writ petition is disposed of.

No costs.

(SHRIKANT D. KULKARNI)
JUDGE

Madkar

(S.V. GANGAPURWALA)
JUDGE