

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

WRIT PETITION NO. 15533 OF 2019

Sanjay Mansing Rathod

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mrs. Kavita S. Bhale, Advocate for Petitioner.

Mr. S. B. Narwade, AGP for Respondent Nos. 1 to 4.

Ms. S. M. Zaware, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 02nd JANUARY, 2020.

PER COURT:-

. It is submitted that, petitioner in this writ petition is awarded certificate of excellent work and advance increments in the year 2007. He was 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 If the petitioner is already granted certificate of excellent work in the year 2007, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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retrospective and in that case if benefit was accorded to petitioner of excellent work in the year 2007, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

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

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.