

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

WRIT PETITION NO. 5796 OF 2021

Madhukar Sadashiv Malode

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Estling S. Murge, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent No. 1.

Mr. A. B. Shinde, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
 R. N. LADDHA, JJ.**

DATED : 11th October, 2021.

PER COURT:-

. Heard the learned counsel for the petitioner and the learned counsel for respondents.

2. It is submitted that petitioner in this Writ Petition is awarded certificate of excellent work and advance increments in the year 2006 to 2008. He was given benefit of advance increments and same was also paid. If the petitioner is already granted certificate of excellent work in the year 2006 to 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

3. 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.

4. The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to petitioner of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

5. In light of the above, Writ Petition is disposed of. No costs

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.