

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

WRIT PETITION NO. 4741 OF 2021

Madhukar Ashok Shelke
and others

.. Petitioners

Versus

The State of Maharashtra and another

.. Respondents

Mr. D. R. Irale Patil, Advocate for the Petitioners.

Mrs. V. N. Patil-Jadhav, AGP for Respondent No. 1.

Mr. P. D. Suryawanshi, Advocate for Respondent No. 2.

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

DATED : 10th AUGUST, 2021.

PER COURT:-

. We have heard the learned counsel for the petitioners.

2. Mr. Suryawanshi, learned counsel for respondent No. 2 submits that the petition suffers from delay and laches. On this ground, the same be rejected.

3. The learned counsel for respondent No. 2 is confronted with the order of this Court in Writ Petition No. 8171 of 2019 dated 07.10.2019 and on perusal of the same, the learned counsel accepts that the petitioners are similarly situated as the petitioners in Writ Petition No. 8171 of 2019.

4. In the light of that, we follow the same course.
5. It is submitted that, petitioners are awarded certificate of excellent work and advance increments in the year 2012 to 2015. 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If the petitioners are already granted certificate of excellent work in the year 2012 to 2015, then the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.
6. 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.
7. The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to petitioners of excellent work in the year 2012 to 2015 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.
8. In the light of the above, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.