

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

953 WRIT PETITION NO.8785 OF 2021
RAMRAO SAKHARAM BANGAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Mathpati Shivkumar K
AGP for Respondents/State: Mr. S. B. Pulkundwar
Advocate for Respondents No. 5 & 6:
Mr. P. D. Suryawanshi

...

AND

...

955 WRIT PETITION NO.8787 OF 2021
BHIMRAO SADASHIV FUNDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Mathpati Shivkumar K
AGP for Respondents/State: Mr. S. B. Pulkundwar
Advocate for Respondent No. 6:
Mr. P. D. Suryawanshi

...

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

DATE: 12th AUGUST, 2021

PER COURT:

1. The learned Counsel for the petitioners and the learned Counsel for the Zilla Parishad are *ad-idem* that the petitioners are similarly situated as the petitioners in Writ Petition No. 6309 of

2019 with connected writ petitions decided on 06.06.2019 and that same order be passed.

2. It is submitted that petitioners in these writ petitions are awarded certificate of excellent work and advance increments in the year 2006 to 2009. 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the petitioners are already granted certificate / order of excellent work in the year 2006 to 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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

petitioners of excellent work in the year 2006 to 2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

5. In the light of above, writ petitions are disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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