

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
962 WRIT PETITION NO.6847 OF 2021**

RAJKUMAR VASANTRAO ZAGADE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS
AND
966 WRIT PETITION NO.6851 OF 2021

GANESH MADHAVRAO KSHATRIYA AND OTHERS
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...

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

Mr. A. R. Kale and Mr. P. N. Kutti, AGPs for
Respondents-State.

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

...

**CORAM : S. V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : 23rd JUNE, 2021.

PER COURT:-

1. Mr. Suryawanshi, learned counsel appears for respondent no.2 and submits that the petitions be dismissed on the ground of delay and laches.

2. It appears that Government issued Government Resolution dated 24.08.2017 denying the benefits. Subsequently, this Court passed orders observing that the said Government Resolution appears prospectively.

3. It is submitted that, petitioners in both the writ petitions are awarded certificate of excellent work and advance increments in the year 2006 and 2007. 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If the petitioners are already granted certificate of excellent work in the year 2006 and 2007, then the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

4. 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.

5. 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and in that case benefit that was accorded to petitioners of excellent work in the year 2006 and 2007 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

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

(M. G. SEWLIKAR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE