

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7945 OF 2020

Ramprabhu Ganpatrao Waghule and anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr D.R. Irale Patil, Advocate for Petitioners
Mr A.R. Kale, A.G.P. for Respondent-State
Mr P.D. Suryawanshi, Advocate for Respondent Nos. 2 and 3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th JANUARY, 2021

PER COURT :

1. The learned Counsel for the respondent Nos. 2 and 3 opposes the petition on the ground that the petitioners have approached the Court too late.
2. The learned counsel for the petitioners and the learned counsel for respondent Nos. 2 and 3 are ad idem that the petitioners are similarly situated as the petitioners in Writ Petition No. 14754 of 2019 decided by the judgment and order dated 09.12.2019.
3. In the light of that, we follow the same course.
4. It is submitted that petitioners are awarded certificate of excellent work and advance increments in the year 2007 to 2011. 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If the petitioners are already granted certificate of excellent work in the year 2007 to 2011, then the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

5. 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.

6. 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and in that case benefit that was accorded to petitioners of excellent work in the year 2007 to 2011 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

7. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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