

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

17 WRIT PETITION NO.1779 OF 2021

RAVISHANKAR DAULATRAO LAMB SINCE DECEASED THROUGH
LRS KAMAL WD/O RAVISHANKAR LAMB ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. D. Munde, Advocate for the Petitioner.
Mrs. V. S. Choudhary, AGP for Respondents-State.
Mr. K. B. Jadhavar, Advocate for Respondent Nos.5
and 6.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.
DATED : 01st FEBRUARY, 2021.**

PER COURT:-

1. It is submitted that petitioner in this Writ Petition is awarded certificate of excellent work and advance increments in the year 2006 to 2009. The petitioner was given benefit of advance increments and same was also paid. However, now the recovery is claimed and benefit is not extended. If the petitioner is already granted certificate / order of excellent work in the year 2006 to 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

2. 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.

3. 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and in that case benefit that was accorded to petitioner of excellent work in the year 2006 to 2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE