

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12084 OF 2019**

Daulat C. Sitaphale and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Subhash V. Gutte a/w. Mr. Shrikant S. Kompelli for the
Petitioners.
Mr. S.B. Kalel, AGP for the Respondent No.1 - State.
Mr. Rajesh Datar for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.
DATE : 16.09.2021.**

P.C.

1] We have heard Mr. Subhash V. Gutte, learned counsel appearing for the petitioners, Mr. S.B. Kalel, learned AGP appearing for respondent No.1- State of Maharashtra and Mr. Rajesh Datar, learned counsel appearing for respondent No.2.

2] With consent of learned counsel for the respective parties, the petition is taken up for final disposal at the admission stage.

3] The petitioners are Class-II, Class-III and Class-IV employees working as Registrar, Assistant Superintendent, Senior Clerks, Junior Clerks, Stenographer (L.G.), Peons and Sweepers in the District Court at Solapur.

4] The grievance of the petitioners is withdrawal of the benefits of advance increments which were granted to them during the period from the year 2006 to 2008. According to the petitioners, the respondent No.2 by orders dated 10.6.2010 and 4.5.2012 directed the withdrawal of the said benefits, in view of Government Resolution (G.R.) dated 24.8.2017 issued by respondent No.1 – State.

5] The learned counsel for the petitioners by inviting our attention to the various orders passed by this court submitted that certain employees of the State Government as well as employees working in subordinate courts have approached this court at Aurangabad Bench raising identical issue. He invited our attention to the orders passed by the Division Bench of this court at Aurangabad in Writ Petition No. 12699 of 2018 (**Ravindra V. Patil vs. The State of Maharashtra and ors**) alongwith other connected writ petitions decided on 3.4.2019 (**Coram: S.V. Gangapurwala and A.M. Dhavale, JJ**), Writ Petition No.6317 of 2017 (***Vijaykumar S. Mathpati and ors vs. The State of Maharashtra and ors.***) along with other connected matters decided on 6.6.2019 (**Coram: S.V. Gangapurwala and A.M. Dhavale, JJ**) and Writ Petition No. 1147 of 2018 (***Mahadu s/o. Datturao Pawar and ors. vs. State of Maharashtra and ors.***) along with other connected matters decided on 9.1.2020.

6] The learned counsel for the petitioners submits that Writ Petition No. 12699 of 2018 along with other connected writ

petitions as well as Writ Petition No. 617 of 2019 along with other connected petitions were filed at the instance of employees of the State Government whereas Writ Petition No.1147 of 2018 was filed at the instance of employees working in the subordinate courts.

7] The learned counsel for the petitioners submits that while deciding Writ Petition No. 12699 of 2018 along with other connected matters, the Division Bench was pleased to observe that Government Resolution dated 24.8.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to the petitioners of advance increment in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, shall be refunded to the petitioners. He further submits that again the same view was taken in the judgment and order dated 9.1.2020 in Writ Petition No. 1147 of 2018 (**Coram: Prasanna B. Varale and Anil S. Kilor, JJ**) and the judgment and order dated 20.10.2020 passed by this court (**Coram: K.K. Tated and N.R. Borkar, JJ**) in Writ Petition No. 4050 of 2017 (***Uday J. Godave and ors vs. The State of Maharashtra and ors.***)

8] Considering all these facts, we see absolutely no reason to take any different view than the view which is already taken by this court in above referred judgments and orders. Accordingly, we pass the following order.

a] The Government Resolution dated 24.8.2017 will have prospective effect and not retrospective and thus

the respondent No.2 is directed not to withdraw the benefit of advance increment that was accorded to the petitioners in the year 2006, 2007 and 2008.

b] The orders dated 10.6.2010 and 4.5.2012 issued by respondent No.2 are set aside and recovery, if any is made pursuant to the said orders, shall be refunded to the petitioners.

c] With aforesaid directions, Writ Petition stands disposed of.

(N.R. BORKAR, J.) (PRASANNA B. VARALE, J.)