

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.3613/2020

Vijay Pralhad Mankar and others.

Vs.

The State of Maharashtra, through its Secretary, General Administration
Department & Rural Development Department, Mumbai and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sandeep B. Sontakke, Advocate for petitioners.

Mrs. S.S.Jachak, Assistant Government Pleader for respondent no. 1.

Shri A.W.Paunikar, Advocate for respondent nos.2 & 3.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- DECEMBER 22, 2021.

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The petitioners who were employed with Zilla Parishad, Gadchiroli claim that they have been certified to have discharged excellent work and hence are eligible for monetary benefit in the form of increment. By the order dated 01.01.2009 the petitioners were held eligible for such increment. However in the light of Government Resolution dated 24.08.2017 these benefits were not being released and hence the petitioners have approached this Court.

It is submitted by the learned counsel for the petitioners that similar issue was considered at the Aurangabad Bench of this Court in Writ Petition No. 6317/2019 decided on 06.06.2019 (*Vijaykumar Sambayya Mathpati and ors. Vs. The State of Maharashtra and ors.*). In paragraph 3 thereof it has been held as under :

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in that case benefit that was accorded to petitioners of excellent work in the year 2006 to 2009, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.”

We find that the petitioners being similarly placed, they would be entitled to benefit of the aforesaid decision. It is also found that this Court on 11.03.2021 had in fact directed the respondent nos. 2 and 3 to examine the entitlement of the petitioners in that regard and thereafter to take necessary steps. However till today no affidavit has been filed by them indicating the steps taken.

Accordingly for the reasons recorded in Writ Petition No.6317/2019, the following order is passed :

- (1) It is held that the operation of the Government Resolution dated 24.08.2017 would be prospective in nature.
- (2) The respondent nos. 2 and 3 shall examine the cases of the petitioners and if it is found that they are entitled to benefit of excellent work prior to issuance of aforesaid Government Resolution, they would be entitled to the benefits as per the order dated 01.01.2009. If any recovery has been made from them for excellent work discharged prior to issuance of the Government Resolution, the same shall be refunded to them. This exercise be completed within a period of two months from today.

Rule is made absolute in aforesaid terms. No costs.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..