

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.388 OF 2022

AMITKUMAR DYANOBA ROKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
WITH WRIT PETITION NO.12051 OF 2022
WITH WRIT PETITION NO.12052 OF 2022
WITH WRIT PETITION NO.12023 OF 2022
WITH WRIT PETITION NO.12045 OF 2022
WITH WRIT PETITION NO.2214 OF 2022

Mr.A.N.Sabnis, S.K.Mathpati, E.S.Murge, Advocates for the petitioners in respective petitions.

Mr.S.G.Sangle, P.S.Patil, Ms.R.P.Gaur, AGPs' for respondent/State.

Mr.P.R.Tandale, Advocate for respondent No.2 in WP NO.388/2022.

Mr.S.R.Dheple, Advocate for respondent No.4 in WP No.12051/2022.

Mr.S.B.Pulkundwar, Advocate for respondent No.2 in WP No.2214/2022, 12045/2022, for respondent No.3 in WP No.12023/2022 and for respondent No.4 in WP No.12052/2022.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 01, 2022

PER COURT :

1. The petitioner in the first petition has put forth prayer clauses (B) and (C), which read as under :-

(B) By issuing writ of mandamus or any other writ, order or direction in the like nature, the respondent no.2 may be directed to grant/pay one advance increment to the petitioner from date

of grant of "Adarsh Gramsevak Award" in view of Government Resolution Dated 10.11.1998 issued by the Government of Maharashtra and for that purpose issue necessary direction or order to the respondents.

(C) Pending hearing and final disposal of this writ petition to direct the respondent No.2 to pay / grant one advance increment to the petitioner for "Adarsh Gramsevak Award" in view of Government Resolution dated 10.11.1998 issued by the Government of Maharashtra subject to the final decision of the writ petition."

2. This Court has consistently taken a view, that the concerned employees, who were declared as Ideal Gramsevak Awardees in terms of the Government Resolution dated 10/11/1998 and the Circular dated 26/10/2010, would be entitled for incremental benefits and the Government Resolution dated 24/08/2017, withdrawing the said benefits, would be made applicable prospectively. Recently, a Co-ordinate Bench of this Court has delivered an order on 22/09/2022 in Writ Petition No.9602/2021, filed by Balasaheb Nagorao Pawar Vs. State of Maharashtra and another and connected matters, granting the benefits to such Gramsevaks. It was also recorded that the review petitions filed by some of the Zilla Parishads have been dismissed by the

judgment and order dated 30/08/2022 in Review Application (Civ.) No.170/2022 in Writ Petition No.13670/2019.

3. The learned Advocate representing respondent No.4 and the learned A.G.P submit that, since the law is now crystallized by this Court with the rejection of the review petitions, the respondents would not canvass against the law. The learned Advocates for the Zilla Parishads vehemently opposed these petitions despite the Law having been crystallized by the Bombay High Court.

4. In view of the above, we conclude that the advance increments to the Ideal Gramsevak, in terms of the earlier Government Resolution, cannot be taken away by making the Government Resolution dated 24/08/2017 applicable with retrospective effect. The said Government Resolution would apply prospectively.

5. As such, these petitions are allowed. The respondents / authorities would be at liberty to verify each case of the petitioners and upon their claims being in conformity with the Government Resolution dated 10/11/1998 and the Circular dated 26/10/2010, the Zilla

Parishad shall make the payment of advance increments until 24/08/2017, with arrears, if any, consequent thereto, within a period of 4 months from today. If any recovery is made from any of the petitioners, the same would be refunded to the petitioners after such verification exercise.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)