

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

972 WRIT PETITION NO.2550 OF 2022

**KAKASAHEB UTTAMRAO DESHPANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Advocate for Petitioner:
Mr. C. R. Thorat h/f. Mr. Totawad Omprakash D.
AGP for Respondent No.1: Mr. A. R. Kale
Advocate for Respondent No.2:
Mr. P. D. Suryawanshi**

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**CORAM: S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE: 22nd FEBRUARY, 2022

PER COURT:

1. It is submitted that, Petitioner is awarded certificate of excellent work and advance increments in the year 2006 to 2008. He was 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If the Petitioner is already granted certificate of excellent work in the year 2006, 2007 and 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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in that case benefit that was accorded to petitioner of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the Petitioner.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.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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