

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

WRIT PETITION NO.3789 OF 2021

1. Shivaji s/o Raosaheb Kavchat,
Age : 62 years, Occu.; Retired,
A/p.: Shakutal Nivas, Mitra nagar,
Beed, Tq. & Dist. Beed
2. Laxman s/o Sitaram Khole,
Age : 66 years, Occu.: Retired,
A/p.: Ganpati Nagar, June Sarsvati
Vidyalay, Beed, Tq. & Dist. Beed
3. Shakuntala Bhimrao Thombare,
Age : 62 years, Occu.: Retired,
A/p.: Near New Bus Stand, Shirur Kasar,
Tq. Shirur, Dist. Beed
4. Bhaskar s/o Khandurao Shinghan,
Age : 60 years, Occu.: REtired,
A/p.: Barshi Naka, Beed,
Tq. and Dist. Beed
5. Shivaji s/o Gangaram Dharne,
Age : 64 years, Occu.: Retired,
A/p.: Koshti Galli, Ambejogai,
Tq. Ambejogai, Dist. Beed
6. Vatsala Vishwanath Hoke,
Age : 63 years, occu.: Retired,
A/p.: Near Mahadeo Mandir, Talkhed,
Tq. Majalgaon, Dist. Beed
7. Pramod s/o Mahalingappa Baware,
Age : 55 years, Occu.: Service,
A/p.: Panchayat Samiti, Parli,
Tq. Parli, Dist. Beed

8. Ramakant s/o Shivajirao Panchal,
Age : 60 years, Occu.: Retired,
A/p.: Pus, Ambejogai,
Tq. Ambejogai, Dist. Beed
9. Siddiharth s/o Shivajirao Jagatkar,
Age : 56 years, Occu.: Service,
A/p.: P.H.C. Nagapur, Tq. Parli, Dist. Beed
10. Baban s/o Shantiling Honrao,
Age : 66 years, Occu.: Retired,
A/p.: Virshaiv Colony, Near
Police Station, Peth, Beed, Tq. & Dist. Beed
11. Malan Damodhar Kasule,
Age : 67 years, Occu.: Retired,
A/p.: Kasalwadi, Tq. Pathardi,
Dist : Ahmednagar
12. Keshar Maruti Shinde,
Age : 62 years, Occu.: Retired,
A/p.: Tilak Nagar, Y\eshvantrao Chauk,
Ambejogai, Tq. Ambejogai, Dist. Beed
13. Minakshi Limbaji Dhakane,
Age : 52 years, Occu.: Service,
A/p.: P.H.C. Wahali, Tq. Patoda,
Dist.: Beed
14. Arjun s/o Deorao Anarase,
Age : 56 years, Occu.: Service,
A/p.: P.H.C. Dhamagaon,
Tq. Ashti, Dist. Beed
15. Sudhir s/o Laxman Raut,
Age : 62 years, Occu.: Retired,
A/p.: Ashti, Tq. Ashti, Dist. Beed

16. Sominath s/o Deorao Dhas,
Age : 62 years, Occu.: Retired,
A/p.: Mauli Nivas, Vinayak Nagar,
Murshadpur, Ashti, Tq. Ashti, Dist. Beed
17. Gangu Shankar Bhailume,
Age : 67 years, Occu.: Retired,
A/p.: Jai Nivas, Tapaneswar, Jamkhed
Tq. Jamkhed, Dist. Ahmednagar
18. Gopichand s/o Vitthalrao Mendke,
Age : 66 years, Occu.: Retired,
A/p.: Postman Colony, Pangari Road,
Beed, Tq. & Dist. Beed
19. Avinash s/o Devidas Salukhe,
Age : 65 years, Occu.: Retired,
A/p.: Chalkamba, Tq. Georai, Dist. Beed
20. Parmeshwar s/o Laxman Adhasure,
Age : 62 years, Occu.: Retired,
A/p.: Rupam Residency, Bhushan Nagar,
Link Road, Kedgaon,
Tq. & Dist. Ahmednagar
21. Haribhau s/o Dattatrayarao Jadhawar,
Age : 61 years, Occu.: Retired,
A/p.: Kutewadi, Parner,
Tq. Patoda, Dist. Beed
22. Bhanudas s/o Dadarao Tangade,
Age : 57 years, Occu.: Service,
A/p.: P.H.C. Tadsonna,
Tq. & Dist. Beed
23. Rafeeq Jafer Shaikh,
Age : 65 years, Occu.: Retired,
A/p.: Giram Galli, Karanja Road,
Beed, Tq. & Dist. Beed

24. Sampartao s/o Sambhajirao Haral,
Age : 65 years, Occu.: Retired,
A/p.: Pitaji Nagar, Majalgaon,
Tq. Majalgaon, Dist. Beed
25. Rajubai Nivratti Thorat,
Age : 57 Years, Occu.: Service,
A/p.: P.H.C. Khalapuri,
Tq. Shirur, Dist. Beed
26. Sanjivani Babaji Misal,
Age : 54 years, Occu.: Service,
A/p.: P.H.C. Khalapur,
Tq. Shirur, Dist. Beed
27. Chabu Kisanrao Wagh,
Age : 65 years, Occu.: Retired,
A/p.: Swaraj Nivas, Visheshwar Colony,
Pimpergavan, Beed,
Tq. & Dist. Beed
28. Indumati Ganaba Nagargoje,
Age ; 62 years, Occu.: Retired,
R/o.: Chincholi, Post. Chikhali,
Tq. Patoda, Dist. Beed
29. Manorama Vasudeorao Tiwalkar,
Age : 65 years, Occu.: Retired,
A/p.: Charatha Phata, Gajanana Colony,
Beed, Tq. & Dist. Beed
30. Mangal Gajarsing Rajput,
Age : 55 years, Occu.: Service,
A/p.: P.H.C. Kada, Tq. Ashti,
Dist. Beed
31. Vastala Ganpatrao Surywanshi,
Age : 64 years, Occu.: Retired,
A/p.: Akolner, Tq. & Dist. : Ahmednagar

32. Vijaya Dharmaraj Dholshank,
Age : 58 years, Occu.: Retired,
At. Talegaon, Post. Palwan,
Tq. & Dist. Beed
33. Baliram s/o Baburao Jadkar,
Age : 61 years, Occu.: Retired,
A/p.: Kumbephal, Tq. Kaij,
Dist. Beed
34. Usha Dnyaanoba Nagargoje,
Age : 54 years, Occu.: Service,
A/p.: P.H.C. Dongarkini,
Tq. Patoda, Dist. Beed
35. Prakash s/o Bhagwanrao Kulkarni,
Age : 57 years, Occu.: Service,
A/p.: Health Dept, Zilla Parishad, Beed,
Tq. & Dist. Beed
36. Manendra s/o Sudam Baglane,
Age : 47 years, Occu.: Service,
A/p.: Health Dept. Zilla Parishad, Beed,
Tq. & Dist. Beed
37. Sheshnarayan s/o Aniruddha Hatwate,
Age : 48 years, Occu.: Service,
A/p.: Taluka Health Officer,
Majalgaon, Tq. Majalgaon, Dist. Beed
38. Abasaheb s/o Bapusaheb Pandit,
Age : 57 years, Occu.: Service,
A/p.: Health Dept. Z. P. Beed
Tq. and Dist. Beed
39. Sanjiwani Eaknath Ughede,
Age : 53 years, Occu.: Service,
A/p.: Subcenter, Nipani, Jawalka,
Tq. Georai, Dist. Beed

40. Sunita Gokulsing Bunde,
Age : 50 Years, Occu.: Service,
A/p.: Subcenter, Sawargaon,
Tq. Georai, Dist. Beed ... PETITIONERS

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Public Health Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
4. The State of Maharashtra,
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai 400 032
5. The Chief Executive Officer,
Zilla Parishad, Beed, Tq. & Dist. Beed
6. The District Health Officer,
Zilla Parishad, Beed,
Tq. & Dist. Beed RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
Advocate for Respondent Nos.5 & 6 : Mr. A. R. Tapse h/f
Mr. P. D. Surywanshi

**WITH
WRIT PETITION NO.3801 OF 2021**

1. Madhav s/o Ramchandra Giri,
Age : 38 years, Occu.: Service,
R/o.: Panchyat Samiti, Loha,
Tq. Loha, Dist. Nanded
2. Arvind s/o Kishanrao Bhosale,
Age : 47 years, Occu.: Service,
A/p.: Primary Health Centre, Kurula,
Tq. Kandhar, Dist. Nanded
3. Ramakant s/o Kondiba Fuke,
Age : 48 years, Occu.: Service,
A/p.: Panchyat Samiti, Kandhar,
Tq. Kandhar, Dist. Nanded
4. Gayabai Atmaram Zagade,
Age : 52 years, Occu.: Service,
A/p. Panchyat Samiti, Loha,
Tq. Loha, Dist. Nanded

... PETITIONERS

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development and
Water Conservation Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032

4. The Chief Executive Officer,
Zilla Parishad, Nanded,
Tq. & Dist. Nanded RESPONDENTS

...

Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
Advocate for Respondent No.4 : Mr. S. B. Pulkundwar

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**WITH
WRIT PETITION NO.3802 OF 2021**

Padmakar s/o Dinanathrao Kanakdande,
Age ; 60 years, Occu.: Retired,
A/p.: Lokmitra Nagar, Purna Road,
Nanded, Tq. & Dist. Nanded ... PETITIONER

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Public Health Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
4. The Assistant Director, Health
Service (Malaria & Felariya),
Aurangabad
5. The District (Malaria & Felariya)
Officer, Nanded,
Tq. & Dist. Nanded RESPONDENTS

...
Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
...

**WITH
WRIT PETITION NO.3804 OF 2021**

Rashmi w/o Ramesh Prasad,
Age : 66 years, Occu.: Retired,
A/p.: House No. 1243, Sai Nagar,
N-6 CIDCO, Aurangabad,
Tq. & Dist. Aurangabad.

... PETITIONER

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education & Research Department,
Mantralaya, Mumbai- 400 032
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
4. The Accountant General- II (A & E),
Pension Wring Old Building
In front of Ravi Bhavan,
Nagpur, Tq. & Dist. Nagpur
5. The Director,
Medical Education & Research,
Gov. Dental College & Hospital,

Building St. George's Hospital
Compound Near V. T. Mumbai

6. The Dean,
Government Medical College,
& Hospital, Aurangabad,
Tq. & Dist. Aurangabad. RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde

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**WITH
WRIT PETITION NO.3805 OF 2021**

1. Parshuram s/o Mahajan Shikhare,
Age : 69 years, Occu.: Retired,
A/p.: Bachoti, Bachoti,
Tq. Kandhar, Dist. Nanded
2. Abdul Aziz s/o Gulamsarvar Phulwalkar,
Age : 70 years, Occu.: Retired,
A/p.: Phulwal
Tq. Khandar, Dist. Nanded ... PETITIONERS

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
Mantralaya, Mumbai- 400 032
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032

4. The State of Maharashtra
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai. 400 032
5. The Chief Executive Officer,
Zilla Parishad, Nanded,
Tq. & Dist.: Nanded RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
Advocate for Respondent No.5 : Mr. S. B. Pulkundwar

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**WITH
WRIT PETITION NO.3808 OF 2021**

Satwaji s/o Ramji Chavre,
Age : 67 years, Occu.: Retired,
A/p. Shriram Niwas, Chatripati Chowk,
Himayat Nagar, Tq. Himayatnagar,
District : Nanded ... PETITIONER

Versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai-400 032
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,

General Administration Department,
Mantralaya, Mumbai 400 032

4. The Chief Executive Officer,
Zilla Parishad, Nanded
Tq. & Dist. Nanded RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
Advocate for Respondent No.4 : Mr. S. B. Pulkundwar

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**WITH
WRIT PETITION NO.8784 OF 2021**

1. Subhash s/o Ramrao Shinde,
Age : 48 Years, Occu.: Service,
A/p.: Z.P.P.S. Pimpiraja,
Tq. & Dist. Aurangabad.
2. Pundalik s/o Kamlaji Lavte,
Age : 64 Years, Occu.: Retired,
A/p.: Hatti, Tq. Sillod,
District : Aurangabad
3. Rajani d/o Sahebrao Chavan,
Age : 50 years, Occu.: Service,
A/p.: Z.P.H.S. Ranjangaon,
Tq. Gangapur, Dist. Aurangabad ... PETITIONERS

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,

Finance Department,
Mantralaya, Mumbai - 400 032

3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
 4. The State of Maharashtra,
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai 400 032
 5. The Chief Executive Officer,
Zilla Parishad, Aurangabad
Tq. & Dist. Aurangabad
 6. The Education Officer (Primary),
Zilla Parishad, Aurangabad,
Tq. & Dist. Aurangabad
- RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde
Advocate for Respondent Nos.5 & 6 : Mr. U. B. Bondar

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**WITH
WRIT PETITION NO.8786 OF 2021**

1. Sandesh s/o Dattopant Lathkar,
Age : 46 years, Occu.: Service,
A/p.: Non Medical Supervisor,
Health & Finance Welfare,
Training Center, Aurangabad,
Tq. & Dist. Aurangabad
2. Shashikant s/o Satwaji Thotve (died)
Through its legal heirs,
Smt. Nisha Shashikant Thotve,

Age : 45 years, Occu.; Nil,
A/p.: A-28, Disha Gharkul,
by pass, Aurangabad,
Tq. & Dist. Aurangabad

3. Sudhakar s/o Pandurang Limkar,
Age : 67 years, Occu.: Retired,
A/p.: Ramesh Chetty,
Near Dakshinmukhi Hanuman Temple,
Prabhawati Nagar (West), Parbhani,
Tq. & Dist. Parbhani
4. Rajeshwar s/o Pandharinath Kendre,
Age : 45 years, Occu.: Service,
A/p.: Assistant Director of Health
Service (Leprosy), Latur,
Tq. & Dist. Latur
5. Sandeep s/o Rusthumrao Dhondge,
Age : 45 years, Occu.: Service,
A/p.: Assistant Director of
Health Service (Leprosy), Parbhani,
Tq. and Dist. Parbhani
6. Maroti s/o Pandurang Motarge,
Age : 45 years, Occu.: Service,
A/p.: Assistant Director of Health
Service (Leprosy), Nanded,
Tq. & Dist. Nanded
7. Sharad s/o Vasant Kulkarni,
Age : 51 years, Occu.: Service,
A/p.: Assistant Director of Health
Service (Leprosy), Solapur,
Tq. North Solapur, Dist. Solapur
8. Shamsundar s/o Uttamrao Gholve,
Age : 50 years, Occu.: Service,
A/p.: North Solapur, Dist. Solapur

9. Bajrang s/o Pandurang Deokar,
Age : 54 years, Occu.; Service,
A/p.: Assistant Director of
Health Service (Leprosy) Office,
Civil Hospital Compound, Sangli,
Tq. Miraj, Dist. Sangli
 10. Pravin s/o Shridhar Patil,
Age : 51 years, Occu.: Service,
A/p.: Health & Family Welfare,
Training Center, Nashik,
Tq. & Dist. Nashik
 11. Ravindra s/o Jaysing Sabale,
Age : 53 years Occu.: Service,
A/p.: Assistant Director of Health,
Service (Leprosy), Satara,
Tq. & Dist. Satara
 12. Jilot s/o Daji Valvi,
Age : 53 years, Occu.: Service,
A/p.: Assistant Director of
Health Service (Leprosy), Nandurbar,
Civil Hospital Compound,
Tapi Building, Nandurbar,
Tq. & Dist. Nandurbar
 13. Vishnu s/o Eknathrao Ghuge,
Age : 48 years, Occu.: Service,
A/p.: Non Medical Supervisor,
Assistant Director, Health Service,
Parbhani, Tq. & Dist. Parbhani
 14. Shivaji s/o Shesherao Phale,
Age : 51 years, Occu.: Service,
A/p.: Non Medical Supervisor,
Nagpur, Tq. & Dist. Nagpur
- ... PETITIONERS

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
4. The Accountant General -II (A & E)
Pension Wing Old Building
In front of Ravi Bhavan,
Nagpur, Tq. & Dist. Nagpur
5. The Joint Director Health
Services (Leprosy and T.B.),
Arogya Bhavan, Alandi Road,
Vishrantwadi, Pune- 411006,
Tq. and Dist. Pune

..... RESPONDENTS

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Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde

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WITH

WRIT PETITION NO.8788 OF 2021

Anil s/o Ambadasrao Narwade,
Age : 53 years, Occu.; Service,
A/p.: Government Medical College
and Hospital, Aurangabad,
Tq. and Dist. Aurangabad

... PETITIONER

Versus

1. The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai - 400 032
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai 400 032
4. The Director,
Medical Education & Research,
Gov. Dental College & Hospital,
Building St. George's Hospital,
Compound Near V. T. Mumbai
5. The Dean,
Dr. Shankarrao Chavan Government
Medical College, Nanded,
Tq. and Dist. Nanded
6. The Dean,
Government Medical College & Hospital,
Aurangabad,
Tq. & Dist. Aurangabad. RESPONDENTS

...

Advocate for Petitioners : Mr. S. K. Mathpati
AGP for Respondents-State : Mr. A. S. Shinde

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**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 21 JULY 2022.

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ORAL JUDGMENT : (PER SANDIPKUMAR C. MORE, J.) :

Rule. Rule made returnable forthwith. Learned AGP for the respondents-State waives service. Heard finally by consent of the parties.

2. By way of all these writ petitions, under Article 226 of Constitution of India, the petitioners therein, are seeking quashing of government resolution dated 24 August 2017 to the extent of denial of benefits of one or two advance increments to the employees, who have been given benefit of Sixth Pay Commission, applied in retrospective manner. The petitioners have also claimed that respective orders in concerned writ petitions against them by which the earlier benefit of grant of one or two advance increments, was withdrawn by the concerned respondents in all these writ petition be set aside and to restore the respective orders as mentioned in the concerned writ petitions by which they were granted with such benefit.

3. According to the petitioners, they are duly appointed in different establishments on their respective posts as mentioned in all these petitions by following due process of law. It is further submitted that with an intention to encourage to do excellent / outstanding work in their respective field by the employees, the Government of Maharashtra declared one or two advance increments to the employees as per

government resolution dated 20 June 1989. Accordingly, all these petitioners in pursuance to the said government resolution got one or two advance increments for their excellent work under the respective orders as mentioned in each of these petitions. It is to be noted that the petitioners were held entitled for such benefit, which was to be in addition to the regular yearly increment. Pursuant to those respective orders, the pay of all these petitioners was fixed and entries to that effect were also taken in their respective service books.

4. Then, Central Government introduced Sixth Pay Commission and respondent No.2 on the recommendation of Central Government, appointed a committee under the Chairmanship of P. M. Hakim on 23 September 2008. Then, respondent No.2 issued government resolution dated 27 February 2009 accepting the recommendations / report of Hakim Committee with certain modification in respect of the pay structure and revised pension formula as per Sixth Pay Commission. Thereafter, respondent No.3 issued circular dated 3 July 2009. It is further contended by the petitioner that the Government of Maharashtra did not take any decision on Clause No.3.24 of the government resolution dated 27 February 2009, but one or two advance increments had already been granted in favour of some of the employees in the year 2006 to 2009 and their pay fixation was done. However, the government has assured under circular dated 3 July 2009 and kept pending issue with some of them and kept them away from the aforesaid benefits till today. Thereafter, without giving any notice or an opportunity of hearing, respondent authority also started recovery of one

or two advance increments from some the petitioners by refixing their pay without advance increments. The petitioners have submitted that as the government did not take any decision on the aforesaid subject, even when they were entitled to the said benefits of one or two advance increments on the basis of their C.R. Reports, they had to inquire about the same. At the relevant time, respondent No.5 orally stated to them that the provision of advance increment is not available in Sixth Pay Commission and therefore, this issue is pending before the government. It was also told to the petitioners that as and when the government takes decision, the benefits of one advance increment would be provided to them.

5. However, respondent No. 3 surprisingly took the decision on the basis of recommendation of Clause No.3.24 of the State Pay Revised Committee 2008 and government circular dated 3 July 2009 and then introduced new government resolution dated 24 August 2017 (impugned government resolution). Under this government resolution, respondent No.3 has denied the benefit of aforesaid advance increments to the petitioners by giving retrospective effect. This government resolution provides that benefits of advance increment should not be granted to those employees. According to the petitioners, such withdrawal of the benefits already granted to them, cannot be done retrospectively under the government resolution dated 24 August 2017. Hence, this writ petition.

6. We have carefully gone through the documents on record in the light of submissions advanced by the learned counsel for the petitioners,

the learned AGP as well as the learned counsel for respondent Nos. 5 and 6. The learned counsel for the petitioners has also relied upon following judgments of the Supreme Court and this court at Aurangabad Bench as well as at Principal Seat at Bombay.

1. *State of Pubjab and others etc. vs. Rafiq Masih (White Washer) etc, 2014 DGLS (SC) 1064;*
2. *Writ Petition No. 8447 of 2019 (Sharad Prabhakar Munde and others vs. The State of Maharashtra and others) decided on 7 October 2019 (Bench at Aurangabad);*
3. *Writ Petition No.12699 of 2018 (Ravindra Vana Patil vs. The State of Maharashtra and others) and other connected writ petitions, decided on 3 April 2019 (Bench at Aurangabad);*
4. *Writ Petition No.4050 of 2017 (Uday J. Godave and others vs. The State of Maharashtra and others), decided on 22 October 2020 (Principal Seat at Bombay);*
5. *Writ Petition (ST) No. 1438 of 2021 (Sanjiv R. Patil and others vs. The State of Maharashtra and others), decided on 4 May 2021 (Principal Seat at Bombay) and*
6. *Writ Petition No. 12531 of 2019 (Raosaheb Shripati Desai and others vs. The State of Maharashtra) and connected writ petitions, decided on 1 April 2021 (Principal Seat at Bombay).*

7. It is significant to note that the similarly situated employees as that of the present petitioners, had approached this court Bench at Aurangabad by way of Writ Petition No. 8447 of 2019 for challenging the government resolution dated 24 August 2017 passed by respondent No.3. The learned counsel for the petitioners has submitted that the

issue whether the impugned government resolution dated 24 August 2017 is retrospective is no longer *res-integra*. This court in the aforesaid Writ Petition No. 8447 of 2019 has already declared that the government resolution dated 24 August 2017 would be having prospective effect and not retrospective and in that case benefit that was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, should not be withdrawn and if any recovery is made pursuant to the same, it shall be refunded to the petitioners.

8. Similarly, this court at Aurangabad Bench has also passed similar orders in a bunch of writ petitions i.e. Writ Petition No.14950 of 2017 and other connected matters. This court in the aforesaid judgment dated 3 April 2019 has made following observations :

"1. It is submitted that, petitioners in these Writ Petitions are awarded certificate of excellent work and advance increments in the year 2006 to 2008. They are 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 petitioners are already granted certificate of excellent work in the year 2006, 207 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 petitioners 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 petitioners.

4. In the light of the above, Writ Petitions are disposed of. No cost."

Not only this but this court in the following judgments in a bunch of writ petitions bearing Writ Petition No. 12531 of 2019 and others, Writ Petition No. 4050 of 2017 and Writ Petition (Stamp) No. 1438 of 2021 at the Principal Seat at Bombay, has also taken similar view.

9. Thus, in the light of the consistent view taken by this court in various earlier writ petitions involving the same issue, it has been amply made clear that the benefit granted to the petitioners and other similarly situated employees awarding one or two advance increments for their excellent work during years 2006 to 2008, cannot be retrospectively withdrawn under the government resolution dated 24 August 2017. Thus, this court has already declared that the government resolution dated 24 August 2017 will have prospective effect and therefore, the benefits, which were accorded to the petitioners and the similarly situated other employees for excellent work in the year 2006, 2007 and 2008, should not be withdrawn. It is also clarified further that if any recovery is made pursuant to the aforesaid government resolution, the same shall be refunded to the petitioners.

10. In the instant petitions, it is not in dispute that the petitioners therein are accorded with benefits of excellent work by way of one or two advance increments prior to coming into force of government resolution

dated 24 August 2017. Therefore, in the light of observations made by court in the aforesaid earlier judgments, the benefits given to all these petitioners from their concerned employer in form of grant of one or two advance increments for their excellent work, cannot be withdrawn under government resolution dated 24 August 2017 and that too by making it applicable retrospectively. Therefore, when the issue involved in all these petitions is already covered under earlier judgments of this court as mentioned above, there is no need to take different view in the instant writ petitions.

11. In such circumstances, all the petitions are allowed. The benefit of one or two advance increments, if any granted to the petitioners for excellent / outstanding work under the orders referred to in these petitions, shall not be withdrawn, placing reliance on the Government Resolution dated 24 August 2017. The amount, if any recovered on account of withdrawal of any such benefit, shall be refunded to the petitioners. The respondents are further directed to pay / release the monetary benefits arising out of grant of such additional increments, if any, by fixation of their pay-scales, if not already done.

Rule is made absolute in the aforesaid terms, with no order as to costs.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.