

(1)

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

903 WRIT PETITION NO.3336 OF 2020

**JYOTI BABANRAO PARDESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mrs Kavita S. Bhale, Advocate for petitioners;
Mr S. G. Karlekar, A.G.P. for respondent Nos.1 to 4
Mr A. D. Aghav, Advocate for respondent Nos.5 & 6

AND

WRIT PETITION NO.193 OF 2020

**ASHOK NABAJI RAHATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mrs Kavita S. Bhale, Advocate for petitioners;
Mr S. K. Tambe, A.G.P. for respondent Nos.1 to 4
Mr P. P. Kothari, Advocate for respondent Nos.5 & 6

AND

WRIT PETITION NO.11577 OF 2022

**PRAMOD DAGDU SALVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

AND

WRIT PETITION NO.11327 OF 2022

**SACHIN MADHUKAR WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

AND

(2)

WRIT PETITION NO.11448 OF 2022

SUBHASH DSHRATH KARALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

....

Mr L. H. Kawale, Advocate h/f Mr Syyed Gausiya Bi Noora,
Advocate for petitioners;
Mr P. S. Patil and Mr S. G. Sangle, A.G.Ps. for respondent No.1
Mr A. D. Aghav, Advocate for respondent No.2

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

DATE : 23rd November, 2022

PER COURT:

1. Writ Petition No.193/2020 was not on board. By the consent of the parties, taken on board.
2. All the petitioners are similarly situated. The petitioners in Writ Petition No.3336/2020 have put forth prayer clauses (B) and (C), which read as under : -

“B) It are hold and declares that, the Government Resolution dated 24.08.2017 may kindly be quashed and set aside to the extend of denial of benefits of one or two additional/advance increments to the employees who has been given the benefits of sixth pay commission. It means its applicability of retrospective in nature i.e. from 01.01.2006 to 01.10.2015 by issuing the writ of certiorari or any other writ or order.

(3)

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature. The Respondent No.2 and 3 may kindly be directed to grant additional increments to the petitioners for “Most Excellent/outstanding work” for the year 2007-08 to 2016-17 in view of G.R. dated 20.06.1989 issued by the Respondent No.1 by considering their excellent work.”

3. The issue raised in these petitions is no longer res integra. Vide order dated 14.11.2019 in Writ Petition No. 13760 of 2019, this Court had concluded that the Circular dated 14.12.2006 would continue to apply and the G.R. dated 24.08.2017 would apply prospectively and cannot be granted a retrospective effect. Subsequent to the above, review applications were filed and by judgment and order dated 30.08.2022 in Review Application No. 170 of 2022 and other connected applications, this Court had concluded that there was no merit in the review. With a reasoned order, the review applications were dismissed and it was concluded that though the increments have been discontinued vide G.R. dated 24.08.2017, the said G.R. cannot be given effect retrospectively from 2006 onwards.

4. In view of the above, these petitions are partly allowed. In the event, no increments have been paid to the petitioners from

(4)

the date of their eligibility till the introduction of the G.R. dated 24.08.2017, the petitioners would be entitled to such increments.

5. Needless to state, the employer shall carry out a verification exercise and after considering the record and upon finding that the petitioners were eligible for these increments, shall make such payment, expeditiously and preferably, before 28/02/2023.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk