

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.9388 OF 2022

KRUSHNA DAULATRAO SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Ms. Aarti Bhagwat h/f Mr. G.K. Kshirsagar
AGP for Respondent 1 to 3: Mr. P.S. Patil
Advocate for Respondents 4 to 6 : Mr. U.B. Bondar
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 22nd DECEMBER, 2022.**

PER COURT :-

1. The petitioners have put forth prayer clauses (B), (C) and (D) as under: -

“B) By issuing writ of mandamus or any other appropriate writ, order or direction in the like nature, the Govt. Resolution dated 24.8.2017 shall not be made applicable to the petitioners since the orders of granting additional increments in favour of the petitioners are as per the provisions of the ‘fifth pay commission’ and not as per the ‘sixth pay commission’.

C) By issuing writ of mandamus or any other writ, order or directions in the like nature, this Hon'ble court may kindly be pleased to direct the respondent authorities to pay the additional increment to the petitioners for their outstanding performance in view of the Government Circulars issued from time to time and for that purpose issue necessary orders;

D) This Hon'ble Court may kindly be pleased to direct the respondents to refund the amount to the petitioners which has already been recovered from the petitioners on account of additional increments for their outstanding performance."

2. The issue raised in this petition 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. Consequent 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, they cannot be denied retrospectively from 2006 onwards.

3. In view of the above, this petition is partly allowed.

4. In the event, no increments have been paid to the petitioners from 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 the 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 31.03.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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