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

912 WRIT PETITION NO.6628 OF 2022

PRAVIN BABASAHEB SANAP AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr A. D. Aghav, Advocate for petitioners;  
Mr S. G. Sangle, A.G.P. for respondent Nos.1 to 3  
Mr P. D. Suryawanshi, Advocate for respondent No.4

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

**DATE : 23rd November, 2022**

**PER COURT:**

1. On 30/06/2022, we had passed the following order :-

1. *Leave to correct the dates in the prayer clauses.*
2. *The petitioners submit that though one of them i.e. Bapurao Shrimant Rakh has been granted the benefits way back in 2006, the payments are now stopped in view of the recent Government Resolution dated 24<sup>th</sup> August, 2017.*
3. *The learned Advocate for the petitioners submits that they fear recovery of amount already paid prior to the said Government Resolution.*
4. *Issue notice to the respondents, returnable on 11<sup>th</sup> August, 2022. The learned AGP waives service of notice on behalf of respondent Nos. 1, 2 and 3. The learned Advocate Shri. Suryawanshi waives service of notice on behalf of respondent No. 4.*

(2)

5. *Until further orders, there would not be recovery of amounts already paid, prior to the said Government Resolution.*

6. *All office objections to be removed within three weeks.”*

2. The petitioners have put forth prayer clauses (B) and (C), which read as under :-

*(B) By issuing appropriate writ, order or directions in the like nature, may kindly be direct to the Respondent no.4 Chief Executive officer Zilla Parishad, Beed to give/release the benefits of one additional increment W.E.F. as they are declared as “Ideal Gramsevak Awardees” as per G.R. dated 10.11.1998 or/& Circular dated 26.10.2010 issued by the Rural Development & Water Conservation Department, Mantralaya Mumbai to the petitioners forthwith and for that purpose issue necessary orders.*

*(C) The respondent authority may kindly be direct to grant all the service benefits including Arrears w.e.f. the date as they are declared as “Ideal Gramsevak Awardees” & G. R. dated 10.11.1998 or/& Circular dated 26.10.2010 issued by Res. 01 & as per earlier order passed by the Res. No. 4, forthwith by issuing the writ of mandamus or any other writ, order, direction as the case may be.”*

3. 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 the benefits and

(3)

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 Gramsevak. 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.

4. 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.

5. 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.

6. As such, this petition is allowed.

7. 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 petitioner after such verification exercise.

**(SANJAY A. DESHMUKH, J.)**

**(RAVINDRA V. GHUGE, J.)**

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