

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

3 WRIT PETITION NO.6662 OF 2022

**DATTATRAYA GOVINDRAO PURI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTEHRS**

...

Advocate for Petitioner : Mr. S.V. Kurundkar
AGP for Respondent nos. 1 to 3 : Mr. S.K. Tambe
Advocate for Respondent 4 to 7 : Mr. S.G. Sangle

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**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATED : JULY 18, 2022.

PER COURT :

1. By this petition, the petitioner has put forth prayer clauses
'B', 'C', 'D' and 'E' as under :-

B) By writ of certiorari or any other appropriate writ or direction in like nature, the impugned communication dtd. 10.05.2021 (Annexure 'E' to the present petition) may kindly be quashed and set aside.

C) By writ of certiorari or any other appropriate writ or direction in like nature, the Govt. decision dtd. 24.09.2020 (Annexure 'F' to the present writ petition) may kindly be quashed and set aside.

D) The respondents be directed to award annual increment to the petitioner due on 1st July 2021.

E) The respondents be directed to revise and fix the pension and other consequential monitory benefits after awarding the annual increment and to pay the arrears from the date of retirement, within stipulated period.

2. The issue raised by the petitioner is no longer *res-integra*. By the recommendations of the 6th Pay Commission, uniformity was sought to be brought insofar as grant of annual increments were concerned. This was to facilitate easy calculations of annual increments payable. As such, deviating from the earlier pattern of granting annual increments on the day following the date on which the person completed one year of service, the Commission recommended the uniform date of 1st July, as being the date on which the annual increment would become due and payable.

3. It is in this backdrop, that a controversy has arisen in several States in India, owing to the fact that several employees who retired on 30th June of a particular year, found themselves deprived of the annual increment, which became due and payable with effect from 1st July, following the date of superannuation. On account of retirement, the authorities refused to grant the benefit of such increment. This issue was considered by the Madras High Court in **P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others in Writ Petition no. 15732/2017 decided on 15.09.2017**. The said judgment has been sustained by the Hon'ble Supreme Court.

4. This Court (Coram :Ravindra V. Ghuge and Avinash G. Gharote, JJ.) delivered an order on 24.06.2021 in Writ Petition no. 6396/2020 filed by Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others. This order was assailed in Special Leave to Appeal (C) No. 206/2022. By the order dated 12.1.2022, the Special Leave Petition was dismissed. Since our order was sustained, we have passed a similar order on 04.05.2022 in similar group of cases in Writ Petition no. 14632/2021 filed by Balaji Manikrao Biradar Vs. The State of Maharashtra and others and connected matters. In similarly situated Writ Petition No. 6256/2022 filed by Changdeo Genuji Dudhat and others Vs. The State of Maharashtra and another with other connected matter, this Court has passed a similar order on 23.6.2022 and paragraph No. 10 of that order has been corrected by this Court by the order dated 13.7.2022.

5. The case of the petitioner is identical to the facts of the case in P. Ayyamperumal (supra), Prakash Tulshiram Chaudhari (supra), Balaji Manikrao Biradar (supra) and Changdeo Genuji Dudhat (supra).

6. Considering the above, this petition is partly allowed. Since paragraph 10 of our order dated 23.6.2022 has been corrected by

order dated 13.7.2022 in Writ Petition No. 6256/2022, we are issuing the same directions as are set out in corrected paragraph 10 of our order dated 13.7.2022, which reads as under :-

“10. Considering these aspects, we are of the view that the arrears of such benefits as granted by us in paragraph 9 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the dates of their filing of the writ petitions or as per actuals, whichever is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, on or before 30/08/2022.”

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]

SSC/