

(1)

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

3 WRIT PETITION NO.6116 OF 2022

NAVNATH GANGARAM TAKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND ANOTHER

....

Ms A. S. Jadhav, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

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

DATE : 20th June, 2022

PER COURT:

1. We have considered the submissions of the learned Advocate for the petitioner and the learned A.G.P. on behalf of the respondents.

2. This issue is no longer *res integra* insofar as the Bombay High Court is concerned. The petitioner joined employment on 15/06/1985 as an 'Assistant Teacher. He subsequently acquired higher qualifications of Ph.D. and assumed the charge of the Headmaster and then retired on 30/06/2020. Considering the 6th Pay Commission recommendations, by which, the Maharashtra Civil Services (Revised Pay) Rules, 2009, were brought into

(2)

force, to render uniformity in the payment of annual increments that the petitioner would have been entitled for his increment for the work performed in between 01/07/2019 till 30/06/2020, on 01/07/2020. As he earned this increment, the same became payable w.e.f. 01/07/2020. However, he superannuated on attaining the age of superannuation, after 30/06/2020.

3. The prayer put forth by the petitioner in prayer clause (A) is as under :-

A] The petitioner be granted one increment for the period dated 01.07.2019 to 30.06.2020 and his last drawn salary be calculated based on said grant of increment and the respondent be directed to amend the last pay certificate and the respondent No.1 be directed to modify the amount of pension of the petitioner based on the added one increment for the period 01.06.2019 to 30.06.2020.”

4. By an order dated 24/06/2021, delivered in Writ Petition No.6396/2020, filed by Prakash Tulshiram Chaudhari Vs. the State of Maharashtra and others, this Court placed reliance upon the judgment delivered by the learned Division Bench of the Madras High Court, on 15/09/2017, in Writ Petition No.15732/2017, filed by P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others. This judgment of the Madras High Court has been sustained by the Hon'ble Apex

(3)

Court, vide order dated 23/07/2018, and the Special Leave Petition (Civ.) No.22283/2018, filed by the Union of India and others, was dismissed. By an order dated 08/08/2019, Review Petition (Civ.) 1731/2019 was dismissed by the Hon'ble Apex Court.

5. We are informed that our order dated 24/06/2021, passed in Prakash Tulshiram Chaudhari (supra), has been sustained by the Hon'ble Apex Court, vide order dated 12/01/2022. Pursuant thereto, this Court has subsequently delivered a detailed judgment on 27/04/2022, in Writ Petition No.11038/2021, at Aurangabad, along with a group of petitions.

6. In view of the above, this petition is allowed.

7. The increment, which was due and payable to the petitioner on 01/07/2020, shall be notionally added for the purpose of calculating the pension of the petitioner, on the basis of his last drawn salary in June 2020.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)