

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7726 OF 2021

NARHARI RAMRAO WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA ANOTHER

Advocate for Petitioners : Mr. S.B. Sontakke
AGP for Respondent No. 1 : Mr. A.S. Shinde
Advocate for Respondent No. 2 : Mr. S.B. Ghute

**CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**

DATE : 5 JULY, 2022.

ORDER :-

This petition can be disposed of on a short count.

2. The issue raised in the petition is covered by a decision of this Court in Urmila Dattatraya Gaikwad and others Versus The State of Maharashtra and others in Writ Petition No. 1954/2018, decided on 25 January, 2019, and some subsequent similar orders.

3. The petitioners who are the employees of respondent No. 2 – Zilla Parishad, were granted certificate of excellent work and advance increment in the year 2006 to 2009 and the amount of such advance increment was paid to the petitioners. Now, the said benefit is sought to be withdrawn and recovery is being made based on the Government Resolution dated 24 August, 2017. This Court has held

in Writ Petition No. 1954/2018 that the Government Resolution dated 24 August, 2017, will have perspective effect and the benefit, for excellent work already given cannot be withdrawn. The said aspect is not disputed by the learned counsel appearing for respondent No. 2 – Zilla Parishad. In this case, the benefits are given for the period 2006 to 2009.

4. In such circumstances, the petition is allowed. The benefit granted to the petitioners for excellent work in the year 2006 to 2009, shall not be withdrawn and, if any recovery is made, pursuant to the same, the amounts shall be refunded to the petitioners.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.