

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

WRIT PETITION NO.8224 OF 2022

**SHANKAR BABURAO MALWADKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA ITS SECRETARY AND
OTHERS**

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Advocate for the Petitioners : Shri Janakwade Shivsamb N.
AGP for the Respondents/State : Shri A.R. Kale
Advocate for Respondent 4 : Shri V.H.Solanke

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**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. The petitioners have put forth prayer clause B as
under :-

“B) By issuing writ of mandamus or any appropriate writ, order or directions in like nature, this Hon’ble Court may be pleased to direct the respondents that the petitioners may kindly be given one notional increment for the purpose of all consequential benefits of service including pensionary benefits for the period of 30th June to 01st July of respective year of petitioners as per their superannuation dates in view of the order of Hon’ble Supreme Court of India and this Hon’ble Court.”

2. The petitioners superannuated on 30.06.2021. They

had earned their last annual increments for the year 01.07.2020 till 30.06.2021, which was payable on 01.07.2021. They place reliance upon the judgment dated 15.09.2017 delivered by the Madras High Court in ***P. Ayyamperumal vs. the Registrar, Central Administrative Tribunal and others*** and the exhaustive judgment delivered by this Court dated 04.05.2022 in Writ Petition No.14632/2021 filed by ***Balaji Manikrao Biradar vs. The State of Maharashtra and others*** and group of petitions.

3. The learned counsel appearing for the respective sides submit that the petitioners are squarely covered by the conclusions of this Court set out in paragraphs 6 to 12 of the judgment delivered in ***Balaji Biradar (supra)***.

4. In view of the above, this Writ Petition is partly allowed as under :-

(a) The petitioners would be entitled for the notional benefits of the annual increment, which would have been payable to them on account of completing one year from 01.07.2020 to 30.06.2021.

(b) Consequentially, the petitioners would be entitled for monetary benefits/difference of pensionary benefits as per the actuals w.e.f. 01.07.2021.

(c) As such, the pensionary benefits of the petitioners will have to be recalculated by including the annual increment for the year 2020-2021 and such recalculated pensionary benefits shall become payable to them. The arrears thereof shall be calculated and shall be paid to the petitioners as expeditiously as possible and preferably on or before 15.10.2022.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)