

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

62 WRIT PETITION NO.7394 OF 2022

SHRIHARI YESHU JADHAV

VERSUS

**THE STATE OF MAHARASHTRA THROUGH SECRETARY SCHOOL
EDUCATION AND SPORTS DEPARTMENT AND OTHERS**

AND

73 WRIT PETITION NO.7406 OF 2022

VASANT MADHAVRAO SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Y.P. Jadhav, Advocate for the petitioners.

Mr.S.P. Tiwari and Mr.S.G. Sangle, AGPs for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**
DATED : 19.07.2022

PC :-

01. In both these matters, the petitioners have superannuated on 30th June, 2021 and 30th June, 2018 respectively. The issued raised is as regards the annual increment that was due and payable to these petitioners after completing one particular year on 30th June. As such, in the first petition, the annual increment became due and payable after completing one year of service from 1st July, 2020 till 30th June, 2021. In the second case, the increment became due and payable after completing one year of service from

1st July, 2017 till 30th June, 2018. The notional addition of these increments, so as to calculate the last drawn salary on the basis of which the retiral benefits are to be calculated, has not been given to the petitioners, as they superannuated on 30th June of 2021 and 30th June, 2018 respectively.

02. The issue raised is no longer *res integra*, having been concluded by the Madras High Court judgment dated 15.09.2017 in Writ Petition No.15732 of 2017 filed by P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and Others, which judgment has been sustained by the Hon'ble Supreme Court vide order dated 23.07.2018 in Special Leave Petition (Civil) Diary No.22283/2018. Even this Court has passed several orders granting such benefits, which have been sustained by the Hon'ble Supreme Court.

03. In view of the above, these petitions are partly allowed. Both the petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity, earned leave, commutation benefits etc. Insofar as arrears of the benefits are concerned, both the petitioners would be entitled for the same for a period of three years

preceding the date of filing of these petitions or as per actuals, whichever is less. Such arrears should be calculated and paid to the petitioners on or before 30th September, 2022.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]