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

WRIT PETITION NO.7835 OF 2022

NIVRUTTI BABURAO GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

WRIT PETITION NO.7844 OF 2022

PANJAB BAJIRAO PARVEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

WRIT PETITION NO.7893 OF 2022

DEORAO EAKNATHRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

WRIT PETITION NO.7905 OF 2022

RAVINDRA MADHAVRAO AAHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

WRIT PETITION NO.7906 OF 2022

SHRIRANG BHIMAJI DHANVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

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Mr S. K. Mathpati, Advocate for petitioners;
Mr P. S. Patil, Mr A. R. Kale, Mr S. G. Sangle and Mr P. K.
Lakhotiya, A.G.Ps. for respondents/State
Mr S. B. Pulkundwar, Advocate for respondent Nos.5 and 6 in

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WP/7844/2022

Mr P. D. Suryawanshi, Advocate for respondent Nos.6 & 7 in WP Nos. 7893/2022, 7906/2022 and 7835/2022

Mr U. B. Bondar, Advocate for respondent Nos.6 & 7 in WP/7905/2022

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

DATE : 28th July, 2022

PER COURT:

1. The petitioners in all these petitions are identically placed. By way of a specimen, we are reproducing prayer clauses (B) and (C) from first petition i.e. Writ Petition No.7835/2022, which read as under :-

(B) This Resp. No. 6 may kindly be directed to give/release the benefits of one additional increment as per circular dated 12.12.2000 issued by the Resp. No. 3 with arrears to the petitioners forthwith by issuing the writ of mandamus or any other appropriate writ, order, direction as the case may be.

(C) The respondent authority may kindly be direct to grant all the service benefits including Arrears w.e.f. the date declared as a District Awardee Teacher as per circular dated 12.12.2000 issued by Resp. No. 3 forthwith by issuing the writ of mandamus or any other appropriate writ order, direction as the case may be.”

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2. All these petitioners are District Awardee Teachers. All are identically placed with Urmila Dattatrya Gaikwad and others vs. State of Maharashtra and others (Writ Petition No.1954/2018 and connected group of cases), wherein this Court has delivered an order on 25/01/2019. It would be apposite to reproduce paragraph Nos.3 to 8 of the said order, as under :-

“3. For the first time additional increment was given to the District awardee teachers under Govt. Resolution dated 12/12/2000. Pursuant thereto, additional increments as per the said Govt. Resolution were given.

4. There are other categories of awardee teachers such as State awardee teachers, national awardee teachers and the award being given for excellent/outstanding work. In the present cases, we are concerned only with the District awardee teachers.

5. Upon perusal of various Govt. Resolutions placed on record, it does not appear that prior to the Govt. Resolution dated 04/09/2018, there was any Govt. Resolution taking away benefit of the additional increment given to District awardee teachers. Of-course, now, no District awardee teacher would be entitled for the benefit in view of the Govt. Resolution dated 04/09/2018. However, Govt. Resolution dated 04/09/2018 can not be given retrospective effect.

6. Govt. Resolution relied by the learned counsel for Zilla Parishad viz. Govt. Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Govt. has made recommendation and the same is to be accepted with certain modifications. Under the Govt.

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Resolution dated 24/08/2017, Govt. has taken decision that the benefit of advance increment would not be available to those who were granted certificate of excellent work. It is under the Govt. Resolution dated 04/09/2018 now the benefit of additional increment to the District awardee teacher can not be given.

7. *However, all those who were granted certificate of District awardee teacher prior to 04/09/2018 can not be denied the said benefit of additional increment.*

8. *In light of the above, we pass the following order.*

ORDER

The respondent/Zilla Parishad after confirming themselves of the petitioners being District awardee teachers and awarded certificate prior to 04/09/2018 shall individually consider the case of the petitioners for additional increment as is laid down under the Govt. Resolution dated 12/12/2000. The same shall be considered on its own merits expeditiously preferably within a period of six months”

3. There is no dispute that, in similar circumstances, the Nasik Zilla Parishad had approached the Hon’ble Supreme Court, by preferring Special Leave to Appeal (Civ.) No.19730/2021, for challenging the order dated 10/03/2021, delivered by the Principal Seat of this Court, in Nitin Dattatraya Pawar and others vs. Chief Executive Officer, Nasik Zilla Parishad, Nasik and others. By an order dated 13/04/2022, the Hon’ble Supreme Court dismissed the said special leave to appeal with the following order :-

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“It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018.

We are in complete agreement with the view taken by the High Court.

The Special Leave Petition stands dismissed.

Pending applications stand disposed of.”

4. In view of the above, though the review petitions filed by the Zilla Parishads are pending, mere pendency of such petitions in the face of the order passed by the Hon'ble Supreme Court, dismissing the Special Leave Petition, would not justify non-payment of the increments and its arrears. The arrears will be payable to those, who have superannuated. Those who are in service, would be entitled for arrears and continued monthly payments.

5. The State of Maharashtra has directed all the Chief Executive Officers of the Zilla Parishads, vide communication dated 01/07/2022, that such annual increments will be calculated in the light of the orders of the High Court and shall be payable to

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all the District Awardee Teachers. The said communication is taken on record and marked as 'X' for identification.

6. In view of the above, despite the strenuous submissions of the learned Advocate for the Zilla Parishads, who have vehemently opposed these petitions, all these petitions are partly allowed with the following directions :-

- (a) Insofar as the arrears are concerned, we are granting four Equated Monthly Installments (EMI) to the respective Zilla Parishads, to make the payment to those who are eligible and entitled for arrears.
- (b) These EMI would be payable, on or before 20/08/2022, 15/10/2022, 15/12/2022 and 15/02/2023.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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