

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2025 OF 2020

AHELAJI CHIMAJI DUDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

WRIT PETITION NO.2963 OF 2022

SYED SHOUKAT ALI OSMAN ALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

WRIT PETITION NO.8253 OF 2022

MEHMUD MUSA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

WRIT PETITION NO.1570 OF 2020

NILKANTH SADASHIV PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

WRIT PETITION NO.8164 OF 2022

**WITH WP/8166/2022 WITH WP/8165/2022 WITH WP/8167/2022
WITH CA/11345/2022 IN WP/8164/2022**

UMAKANT DAMODAR ANWEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
AND

WRIT PETITION NO.7672 OF 2022

GANESH BABASAHEB PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL

SECRETARY AND OTHERS
AND
WRIT PETITION NO.8154 OF 2022

SITARAM GOVINDRAO KULKARNI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE CHIEF SECRETARY
AND OTHERS
AND

WRIT PETITION NO.8254 OF 2022
ANIS KHAN DAUD KHAN PATHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE CHIEF SECRETARY
AND OTHERS
AND
WRIT PETITION NO.8096 OF 2022

RAVINDER REDDY KASARLA
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
AND
WRIT PETITION NO.8104 OF 2022

PRAKASH WAGHAJI KHIRADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
AND
WRIT PETITION NO.8132 OF 2022

SURESH SHANKARRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
AND
WRIT PETITION NO.8133 OF 2022

VINAYAK BHAGWANRAO BHISE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
AND
905 WRIT PETITION NO.5303 OF 2020

VASANTRAO GOVINDRAO THUBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
WRIT PETITION NO.2403 OF 2022

SHARFUN NIHAR BEGAUM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
WRIT PETITION NO.2405 OF 2022

SADAT MOHIUDDIN QUAZI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
WRIT PETITION NO.3185 OF 2022

APPASAHEB MANOHARRAO HUMBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
WRIT PETITION NO.3188 OF 2022

PANCHAFULLA BABURAO PISAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
WRIT PETITION NO.8235 OF 2022

SUNANDA KISHORE SARODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
WRIT PETITION NO.6389 OF 2020

ARVIND DAYARAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
WRIT PETITION NO.2115 OF 2022

SANJAY RAMRAO SUDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
907 WRIT PETITION NO.2116 OF 2022

CHANDRAKANT KISHANRAO TAPASE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

908 WRIT PETITION NO.2399 OF 2022

ASHRUBA SATYABHAN POTBHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

909 WRIT PETITION NO.2400 OF 2022

BALAJI RAMRAO DHAKNE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

910 WRIT PETITION NO.2401 OF 2022

DHONDIRAM VALJNATHRAO WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

913 WRIT PETITION NO.2407 OF 2022

PANDIT YADAVRAO THOMBRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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AND
914 WRIT PETITION NO.2408 OF 2022

SUDAM RAMBHAU OVHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
915 WRIT PETITION NO.2409 OF 2022

BASWARAJ BABSHETTY BALURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
916 WRIT PETITION NO.2411 OF 2022

ANANT LAXMANRAO CHILWANT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
917 WRIT PETITION NO.2412 OF 2022

VIMAL KISHANRAO LAHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
918 WRIT PETITION NO.2416 OF 2022

BALAJI NARHARI POLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
919 WRIT PETITION NO.2417 OF 2022

CHAYA SUBHASHRAO RAMSANE ALIAS CHAYA DNYANOBA
CHAMALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
920 WRIT PETITION NO.2422 OF 2022

MANOHAR RAGUNATH GULVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
921 WRIT PETITION NO.2423 OF 2022

YASHWANT RAMRAO KUMTHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
922 WRIT PETITION NO.2435 OF 2022

SATISHRAO GOVINDRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
923 WRIT PETITION NO.2449 OF 2022

RAGHUNATH BALIRAM KENDRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
924 WRIT PETITION NO.2450 OF 2022

VINAYAK KASHINATH BONDAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
929 WRIT PETITION NO.4392 OF 2022

SULOCHANA LAXMANRAO GHOGARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
930 WRIT PETITION NO.4393 OF 2022

DILEEP NARHARRAO JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
931 WRIT PETITION NO.4606 OF 2022

KUSHAWRATA GANESHGIRI GOSAVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
932 WRIT PETITION NO.4607 OF 2022

TUKARAM PANDITRAO DANDGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
933 WRIT PETITION NO.4619 OF 2022

SHAIKH NAEEM SHAIKH HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
934 WRIT PETITION NO.4622 OF 2022

YUVRAJ SANTRAM SHAHAPURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
935 WRIT PETITION NO.4633 OF 2022

PANDIT TUKARAM KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
936 WRIT PETITION NO.4639 OF 2022

TULSHIRAM ZATINGRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
937 WRIT PETITION NO.4644 OF 2022

BALAJI NARSINGRAO KARBHARE

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.K.Mathpati, Advocate for the petitioners in WP Nos.2115/2022, 2116/2022, 2399/2022, 2400/2022, 2401/2022, 2407/2022, 2408/2022, 2409/2022, 2411/2022, 2412/2022, 2416/2022, 2417/2022, 2422/2022, 2423/2022, 2435/2022, 2449/2022, 2450/2022, 4392/2022, 4393/2022, 4606/2022, 4607/2022, 4619/2022, 4622/2022, 4633/2022, 4639/2022, 4644/2022.

Mr.S.B.Sontakke, Advocate for the petitioners in WP Nos.2025/2020, 2963/2022, 8253/2022, 1570/2022.

Mr.A.D.Namde, Advocate for the petitioners in WP Nos.8254/2022, 8154/2022.

Mr.V.G.Salgare, Advocate for the petitioner in WP No.7672/2022.

Ms.J.T.Ghorpade, Advocate for the petitioners in WP Nos.8096/2022, 8104/2022, 8132/2022 and 8133/2022.

Mr.P.A.Pisal, Advocate for the petitioners in WP Nos.5303/2020, 2403/2022, 2405/2022, 3185/2022, 3188/2022 and 8235/2022.

Mr.A.S.Deshpande, Advocate for the petitioner in WP No.6389/2020.

Mr.M.P.Tripathi h/f Ms.Suchita A.Dhongade, Advocate for the petitioners in WP No.8164/2022, 8166/2022, 8165/2022, 8166/2022 with CA No.11345/2022.

Mr.S.G.Sangle, Mr.P.S.Patil, Mr.S.K.Tambe, Mr.A.R.Kale, Mr.P.K.Lakhotiya, AGPs' for respondent/State.

Mr.S.B.Munde, Advocate for respondent No.4 in WP No.1570/2020.

Mr.S.R.Yadav-Lonikar, Advocate for respondent Nos. 3 to 5 in WP No.2115/2022 and for respondent Nos. 3 and 4 in WP No.2411/2022.

Mr.U.B.Bondar, Advocate for respondent No.4 in WP No.2417/2022, 4606/2022 and for respondent Nos. 3 to 6 in WP No.2412/2022.

Mr.P.D.Suryawanshi, Advocate for respondent Nos. 3 to 5 in WP Nos. 2116/2022, 2399/2022, 2407/2022 and 2408/2022.

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

DATE : AUGUST 5, 2022

PER COURT :

1. In all these petitions, the issue that has been raised by

the petitioners is as regards the notional addition of an annual increment, while computing their pension and pensionary benefits. Such increment became due and payable one day after their superannuation.

2. This issue has been considered and decided by this Court [Coram : Ravindra V. Ghuge & Avinash G. Gharote, JJ.] by order dated 24th June, 2021 in Writ Petition No.6396 of 2020 filed by ***Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others.*** This order was assailed by the State of Maharashtra before the Hon'ble Supreme Court of India in Special Leave to Appeal (C) No. 206 of 2022. The Hon'ble Apex Court [Coram : Hon'ble Mr. Justice S. Abdul Nazeer & Hon'ble Mr. Justice Krishna Murari] passed an order on 12.01.2022 concluding as under:-

“We are not inclined to interfere with the impugned order. The Special Leave Petition is, accordingly, dismissed.

Pending application also stands disposed of.”

3. This Court had referred to the conclusions arrived at 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**, in the order dated 24.06.2021 and had concluded as under:-

3. *The petitioner has raised a very short issue before us. His retirement fell on 30.06.2019 and had he retired on 01.07.2019, he would have been entitled for annual increment as is provided under Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. Considering this provision, the Government of Maharashtra revised the Maharashtra Civil Services (Revised Pay) Rules, 2009 and brought uniformity in the payment of annual increments. There is no dispute that the petitioner had worked up to 30.06.2019. He has thus, completed one year prior to his retirement. He would be entitled for an annual increment, but for the fact that the Rules prescribed that he would be entitled to such increment if he has worked on 01.07.2019, when it became payable.*

4. *The issue raised in this petition has been squarely covered by 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. The facts in the case before the Madras High Court were set out in paragraphs 5 and 6 and the Madras High Court drew its conclusions in paragraph 7 and allowed the petition. Paragraphs 5 to 7 read as under :-

“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e. from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in WP.No.8440 of 2011 allowing the

writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.

7. The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs.”

*5. The judgment of the Madras High Court in **P.Ayyamperumal** (supra) was carried in Special Leave Petition (Civil) Diary No.22283/2018. By order dated 23.07.2018, the Honourable Supreme Court dismissed the said Special Leave Petition.*

6. There is no dispute that Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 is identical to the amended Rule 10 of the Central Civil

Services (Revised Pay) Rules, 2008 in relation to the uniformity in annual increments.

7. Considering the above, this Writ Petition is allowed. As the petitioner is superannuated on 30.06.2019, we hold that he would be entitled to the last annual increment, which he has been deprived of and the respondents shall, accordingly, calculate the said monetary benefits expeditiously so as to be paid to the petitioner on or before 30.09.2021. So also, as the grant of this annual increment would affect his pension, gratuity, earned leave, commutation benefits, etc., the respondents would recalculate the same and make the payment of arrears on or before 30.09.2021 and shall ensure that the revised pension is also paid to the petitioner accordingly.

4. In all these matters, all these petitioners have superannuated on the 30th day of June of the particular years, as they were due for superannuation. For the sake of clarity, the names of the petitioners and their dates of superannuation are mentioned in a chart hereunder :-

**Name of the petitioners, initial date of their appointments,
Date of last increment & Date of superannuation of petitioners**

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Sr. No	W.P.No.	Name of the Petitioners	Date of Appointment	Date of Last increment	Date of Superannuation /Retirement
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1.	WP No. 2025/2020 Aurangabad	1. Ahelaji S/o Chimaji Dudhe	08.02.1985	01.07.2018	30.06.2019
		2. Salim s/o Yasin Shaikh	04.12.1981	01.07.2018	30.06.2019
		3. Nivrutti s/o Madhavrao Kolhe	04.01.1986	01.07.2015	30.06.2016
		4. Balaji s/o Laxmanrao Shrimangale	15.01.1982	01.07.2016	30.06.2017
		5. Asha w/o Pradeep Deshpande	19.06.1984	01.07.2018	30.06.2019
		6. Saroj w/o Vishnu Puranik	14.08.1978	01.07.2010	30.06.2011
		7. Nishikant s/o Pandharinath Tayade	29.03.1978	01.07.2012	30.06.2013
		8. Vishwanath s/o Rangnath Sukate	11.12.1981	01.07.2011	30.06.2012
		9. Mohammad Abdul Sattar	29.10.1984	01.07.2018	30.06.2019
		10. Baburao s/o Balaji Kundalkar	15.09.1982	01.07.2010	30.06.2011
		11. Sadba s/o Rajenna Marawad	20.06.1983	01.07.2016	30.06.2017
		12. Bhagwan s/o Asaram Pawar	05.01.2001	01.07.2018	30.06.2019
		13. Murlidhar s/o Banduji Gangawane	19.05.1995	01.07.2013	30.06.2014
		14. Sharadchandra s/o Haribhau Pandit	24.03.1985	01.07.2018	30.06.2019
		15. Anant s/o Yashwant Shahasrabudhe	29.11.1984	01.07.2017	30.06.2018
		16. Farooq Ahmed s/o Masood Ahmed Shaikh	07.10.1982	01.07.2010	30.06.2011
		17. Nazir Ahmed s/o Mohd. Osman	25.06.1977	01.07.2013	30.06.2014
		18. Digambar s/o Rukhmaji Vadepalli	15.10.1977	01.07.2012	30.06.2013
		19. Abdul Rashid Khan s/o Gulam Khan Pathan	29.11.1984	01.07.2016	30.06.2017
		20. Mabud Ahmed s/o Mahmood Ahmed Khan	24.11.1980	01.07.2015	30.06.2016
		21. Mohammad Abdul Aziz	13.01.1982	01.07.2018	30.06.2019
2.	WP No. 2963/2022	Sayed Shoukat Ali s/o Osman Ali	01.10.1987	01.07.2017	30.06.2018

	Beed				
3.	WP No. 1570/2020 Jalgaon	Nilkanth S/o Sadashiv Patil	08.12.1973	01.07.2008	30.06.2009
4.	WP No. 8253/2022 Jalgaon	Mehmud s/o Musa Pathan	15.10.1984	01.07.2011	30.06.2012
5.	WP No. 8164/2022 Jalgaon	1. Umakant s/o Damodar Anwekar	19.07.1984	01.07.2020	30.06.2021
		2. Anil S/o Vikram Sonawane	24.07.1979	01.07.2012	30.06.2013
		3. Ramdas s/o Budha Patil	24.07.1974	01.07.2009	30.06.2010
		4. Sudhakar s/o Digambar Dhande	18.06.1983	01.07.2015	30.06.2016
		5. Ratilal s/o Budha More	16.03.1983	01.07.2020	30.06.2021
6.	WP No. 8165/2022 Parbhani	Sumant Anantrao Kamtikar	07.02.1976	01.07.2013	30.06.2014
7.	WP No. 8166/2022 Aurangabad	Madhikar Santuji Jadhav	23.08.1979	01.07.2016	30.06.2017
8.	WP No. 8167/2022 Aurangabad	Bharat Manohar Pawar	13.12.1983	01.07.2018	30.06.2019
9.	WP No. 7672/2022 Aurangabad	Ganesh Babasaheb Pawar	09.04.1984	01.07.2008	30.06.2009
10.	WP No. 8154/2022 Parbhani	1. Sitaram s/o Govindrao Kulkarni	17.11.1978	01.07.2013	30.06.2014
		2. Rajendra s/o Vinayakrao Chaudhary	02.07.1984	01.07.2016	30.06.2017
		3. Jagannath s/o Chimnaji Waghmare	01.07.1985	01.07.2020	30.06.2021
		4. Anil Rangnathrao Pathak	16.01.1985	01.07.2021	30.06.2022
		5. Eknath s/o Ganpatrao Thakur	19.02.1982	01.07.2015	30.06.2016
		6. Ramesh s/o Sojar Jadhav	20.12.1989	01.07.2018	30.06.2019
		7. Shraddha w/o Shreenivas Adhyapak	01.04.1983	01.07.2020	30.06.2021

		8. Prabhakar s/o Sadashivrao Joshi	01.08.1974	01.07.2007	30.06.2008
		9. Subhash s/o Uttamrao Kulkarni	11.12.1990	01.07.2019	30.06.2020
		10. Subhash s/o Bhagwanrao Kulkarni	24.06.1986	01.07.2021	30.06.2022
		11. Manik s/o Gangadharrao Maske	23.09.1986	01.07.2021	30.06.2022
		12. Sahebrao s/o Ramji Khare	10.12.1990	01.07.2020	30.06.2021
		13. Datta Babanrao Tidke	11.12.1990	01.07.2020	30.06.2021
		14. Shaikh Chand Pasha s/o Abdul Rashid	16.03.1989	01.07.2021	30.06.2022
		15. Milind S/o Bhalchandra Pawgi	17.01.1997	01.07.2021	30.06.2022
		16. Shareque Md. Khan Pathan s/o Bashir Md. Khan	07.05.1993	01.07.2018	30.06.2019
11.	WP No. 8254/2022 Parbhani	1. Anis Khan s/o Daud Khan Pathan and another	01.02.1986	01.07.2021	30.06.2022
		2. Vijay Trimbakrao Borade	20.05.2002	01.07.2021	30.06.2022
12.	WP No. 8096/2022 Aurangabad	Ravinder Reddy Kasarla	07.08.2008	01.07.2017	30.06.2018
13.	WP No. 8104/2022 Aurangabad	Prakash s/o Waghaji Khirade	22.07.1985	01.07.2018	30.06.2019
14.	WP No. 8132/2022 Osmanabad	Suresh s/o Shankarrao Shinde	11.07.1988	01.07.2020	30.06.2021
15.	WP No. 8133/2022 Aurangabad	Vinayak s/o Bhagwanrao Bhise	23.10.1984	01.07.2016	30.06.2017
16.	WP No. 5303/2020	Vasantrao Govindrao Thube	25.11.1987	01.07.2011	30.06.2012
17.	WP No. 2403/2022	Sharfun Nihar Begum	21.11.2001	01.07.2019	30.06.2020
18.	WP No. 2405/2022	Sadat Mohiuddin Quazi	23.09.2003	01.07.2019	30.06.2020
19.	WP No. 3185/2022	Appasaheb Manoharrao Humbe	13.07.1978	01.07.2013	30.06.2014
20.	WP No.	Panchafula Baburao Pisal	01.08.1998	01.07.2020	30.06.2021

	3188/2022				
21.	WP No. 8235/2022	Sunanda Kishore Sarode	05.08.1992	01.07.2017	30.06.2018
22.	WP No. 6389/2020	1.Arvind Dayaram Patil	01.02.1984	01.07.2015	30.06.2016
		2. Dilip Yashwant Jadhav	16.08.1982	01.07.2016	30.06.2017
		3. Sambhaji Atmaram Sonawane	04.07.1990	01.07.2017	30.06.2018
23.	WP No. 2115/2022 Parbhani	Sanjay s/o Ramrao Sude (VRS on 01.07.2019)	22.07.1996	01.07.2018	01.07.2019
24.	WP No. 2116/2022 Beed	Chandrakant s/o Kishanrao Tapase	05.10.1983	01.07.2014	30.06.2015
25.	WP No. 2399/2022 Beed	Ashruba s/o Satyabhan Potbhare	21.10.1982	01.07.2016	30.06.2017
26.	WP No. 2400/2022 Latur	Balaji s/o Ramrao Dhakne	14.07.1971	01.07.2007	30.06.2008
27.	WP No. 2401/2022 Beed	Dhondiram s/o Vaijnathrao Waghmare	25.08.1989	01.07.2018	30.06.2019
28.	WP No. 2407/2022 Beed	Pandit s/o Yadavrao Thombre	02.12.1985	01.07.2020	30.06.2021
29.	WP No. 2408/2022 Beed	Sudam s/o Rambhau Ovhal	07.10.1983	01.07.2019	30.06.2020
30.	WP No. 2409/2022 Latur	Baswaraj s/o Babshetty Balure	11.07.1994	01.07.2020	30.06.2021
31.	WP No. 2411/2022 Parbhani	Anant s/o Laxmanrao Chilwant	01.07.1986	01.07.2013	30.06.2014
32.	WP No. 2412/2022 Latur	Vimal Kishanrao Lahane	09.07.1984	01.07.2020	30.06.2021
33.	WP No. 2416/2022 Latur	Balaji s/o Narhari Pole	16.12.1985	01.07.2016	30.06.2017
34.	WP No. 2417/2022 Latur	Chaya Subhashrao Ramsane @ Chaya Dnyanoba Chamle	01.07.1989	01.07.2020	30.06.2021

35.	WP No. 2422/2022 Latur	Manohar s/o Ragunath Gulve	08.08.1985	01.07.2016	30.06.2017
36.	WP No. 2423/2022 Latur	Yashwant s/o Ramrao Kumthe	01.07.1993	01.07.2020	30.06.2021
37.	WP No. 2435/2022 Latur	Satishrao s/o Govindrao Kadam	20.06.1991	01.07.2020	30.06.2021
38.	WP No. 2449/2022 Latur	Raghunath s/o Baliram Kendre	13.06.1983	01.07.2013	30.06.2014
39.	WP No. 2450/2022 Latur	Vinayak s/o Kashinath Bondage	01.07.1987	01.07.2017	30.06.2018
40.	WP No. 4392/2022 Latur	Sulochana Laxmanrao Ghogare	15.06.1993	01.07.2018	30.06.2019
41.	WP No. 4393/2022 Latur	Deelip s/o Narharrao Joshi	15.06.1987	01.07.2012	30.06.2013
42.	WP No. 4606/2022 Latur	Kushawrata Ganeshgiri Gosavi	02.07.1993	01.07.2016	30.06.2017
43.	WP No. 4607/2022 Osmanabad	Tukaram s/o Panditrao Dandge	16.08.1984	01.07.2019	30.06.2020
44.	WP No. 4619/2022 Nanded	Shaikh Naeem Shaikh Hussain	01.11.1986	01.07.2020	30.06.2021
45.	WP No. 4622/2022 Osmanabad	Yuvraj s/o Santram Shahapure	23.09.1986	01.07.2019	30.06.2020
46.	WP No. 4633/2022 Nanded	Pandit s/o Tukaram Kamble	15.06.1992	01.07.2019	30.06.2020
47.	WP No. 4639/2022 Latur	Tulshiram s/o Zatingrao Suryawanshi	03.08.1991	01.07.2014	30.06.2015
48.	WP No. 4644/2022	Balaji s/o Narsingrao Karbhare	03.07.1990	01.07.2019	30.06.2020

5. It is undisputed that the recommendations under the 6th Pay Commission altered the date on which the annual increment would have become payable, which was normally payable after 12 months in continuous service preceding the date of reference and fixed the 1st day of July of each year. Prior thereto, the employees like these petitioners used to earn their annual increment by calculating 12 calendar months from the dates of their appointments for each succeeding year. As such, the reference period of 12 months for calculating the annual increment, was a period of 12 calendar months in each succeeding year from the date of appointment. For example, if person 'A' was appointed on 1st March, 2000, he would complete 12 months in employment on 28th February 2001. He, therefore, earned his annual increment on 1st March, 2001 for the work done in the 12 calendar months preceding 1st March. This was the pattern of earning annual increments after 12 months in employment in each year.

6. By the recommendations of the 6th Pay Commission, uniformity was decided to be introduced and 1st of July of each year was considered to be the date on which the annual increment, for

having worked for 12 calendar months preceding 1st July, would be payable. Consequentially, for the work performed in 12 calendar months till 30th June, the said employee would earn the annual increment on 1st July of the said year. It is in these peculiar circumstances that, these petitioners are before us, after having superannuated on 30th June of their respective year set out in the chart. For example, if person 'A' had retired on 30th June, 2021, he would have earned the annual increment which became payable to him on 01.07.2021. As he superannuated on 30th June, 2021, he was not granted the notional benefit of the increment which would have been payable to him on 01.07.2021 for the work performed from 01.07.2020 to 30.06.2021.

7. It is in this circumstances, we found that the judgment delivered by the learned Division Bench of the Madras High Court in *P. Ayyamperumal* (supra) was an appropriate view. We delivered an order on 24th June, 2021 in **Prakash Tulshiram Chaudhari** (supra). The judgment of the Madras High Court in *P. Ayyamperumal* (supra) was challenged by the Union of India and others in Special Leave Petition (Civil) Diary No.22283/2018. By order dated 23.07.2018,

the Hon'ble Supreme Court declined to interfere with the impugned judgment of the Madras High Court and dismissed the Special Leave Petition. Similarly, to the challenge to our order dated 24th June, 2021 in ***Prakash Tulshiram Chaudhari*** (supra), the Hon'ble Supreme Court dismissed the Special Leave Petition on 12.01.2022.

8. In view of the above, these Writ Petitions are allowed.

9. Considering the dates of superannuation of these petitioners as being 30th June of the respective years, we hold that the increment payable to them on 1st July of the concerned year, after 2006, would be reckoned with for notionally calculating the pensionary benefits, which would have been payable to them from 1st July, but for their superannuation on 30th of June. This notional inclusion of the annual increment would be considered for calculating their pension, gratuity, earned leave, commutation benefits, etc.

10. The learned Advocates for the petitioners have prayed for entire arrears from their dates of superannuation. The chart

referred to below in paragraph 4 indicates that the petitioners have superannuated in different years, from 2006 onwards.

11. It is quite apparent that the judgment delivered by the Madras High Court in P.Ayyamperumal (supra), became a cause for these petitioners to approach this Court. None of them had challenged the non-inclusion of the annual increment in their pensionary benefits for calculation purposes, when they superannuated on 30th June of a particular year. As the judgment delivered in P. Ayyamperumal (supra) became known to all, that these petitioners have approached this Court.

12. Considering these aspects, we are of the view that the arrears of such benefits as granted by us in paragraph 9 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the dates of their writ petitions or as per actuals, whichever ever is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, on or before 30/11/2022.

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(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)