

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

WRIT PETITION NO.8221 OF 2022

**SATYAWAN VISHWANATH SAGAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Shri Mayur Subhedar h/f Shri
Dharurkar Chaitanya V.

AGP for the Respondents/ State : Shri P.S. Patil

Advocate for Respondents 2 and 3 : Shri A.B. Kadethankar

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

DATE :- 11th August, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B and C
as under :-

- “B) *By issuing a writ of mandamus or any other writ of like nature this Hon’ble Court may kindly be pleased to quash and set aside the order dated 21.01.2021 and 14.12.2021 passed by the R.3 and R.2 respectively (Exh.E) thereby rejecting the grant of annual pay increment to the petitioner.*
- C) *By issuing a writ of mandamus or any other writ of like nature this Hon’ble Court may be pleased to hold and declare that the petitioner is entitled to one notional increment for the service rendered by him towards the last preceding calendar year from the date of his*

retirement i.e. 1st July, 2020 and the R.1 to 3 may kindly be directed to accordingly pay to the petitioner his last annual increment.”

2. The petitioner superannuated on 30.06.2020. He had earned his last annual increment for the year 01.07.2019 till 30.06.2020, which was payable on 01.07.2020. He places 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 petitioner is 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 orders dated 21.01.2021 and 14.12.2021 passed by respondent Nos.3 and 2, respectively, are quashed and set aside.

(b) The petitioner would be entitled for the notional benefits of the annual increment, which would have been payable to him on account of completing one year from 01.07.2019 to 30.06.2020.

(c) Consequentially, the petitioner would be entitled for monetary benefits/difference of pensionary benefits as per the actuals w.e.f. 01.07.2020.

(d) As such, the pensionary benefits of the petitioner will have to be recalculated by including the annual increment for the year 2019-2020 and such recalculated pensionary benefits shall become payable to him. The arrears thereof shall be calculated and shall be paid to the petitioner as expeditiously as possible and preferably on or before 15.10.2022.

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