

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

WRIT PETITION NO.8291 OF 2022

**DATTATRAYA VITTHAL CHOURE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

...

Advocate for the Petitioners : Shri Solanke Vinayak H.
AGP for Respondent 1/State : Shri A.R. Kale
Advocate for Respondent 2 : Shri Suhas B. Ghute

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

DATE :- 29th August, 2022

Per Court :-

1. In this petition, 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 on the last day before their superannuation, on completion of one year service.

2. All these petitioners have superannuated on the 30th day of June of the particular year, as they were due for superannuation. For the sake of clarity, the names of the petitioners and their dates of superannuation are mentioned in the

chart hereunder:-

Name of petitioner	Date of last increment	Date of Superannuation
Dattatraya S/o Vitthal Choure	1/7/2018	30/6/2019
Dilip S/o Shridhar Kawale	1/7/2016	30/6/2017
Kamlakar S/o Godiram Munde	1/7/2014	30/6/2013
Vitthal S/o Vishwanath Wagh	1/7/2020	30/6/2021
Baburao S/o Ramling Jagtap	1/7/2021	30/6/2022
Phulchand S/o Laxman Alkunte	1/7/2016	30/6/2017
Suryakant S/o Laxman Alkunte	1/7/2015	30/6/2016
Pandhari S/o Laxman Koli	1/7/2018	30/6/2019
Mohd. Yusuf Mohd. Hanif Kazi	1/7/2015	30/6/2016
Abhimanyu S/o Vishwanath Sawant	1/7/2020	30/6/2021
Rajendra S/o Keshavrao Nimbalkar	1/7/2016	30/6/2017
Faruk Abdul Gani Patel	1/7/2021	30/6/2022
Anurath S/o Rangnath Lokhande	1/7/2021	30/6/2022

3. The issue raised in this matter is no longer res-integra in the light of the judgment delivered by 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**, which has been sustained by the Honourable Supreme Court. This Court (Coram : Ravindra V. Ghuge and

Anil L. Pansare, JJ) has also delivered the judgment dated 23.06.2022 in Writ Petition No.6256/2022 filed by ***Changdeo Genuji Dudhat and others vs. State of Maharashtra and others*** and connected petitions. We have corrected paragraph 10 of our judgment dated 23.06.2022 vide order dated 13.07.2022.

4. In view of the above, the case of the petitioners is squarely covered by the said order dated 23.06.2022 and they stand entitled for the benefits as ordered in paragraph 9 and corrected paragraph 10 of the order dated 23.06.2022 in ***Changdeo Genuji Dudhat (supra)***, which read as under :-

- “9. *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. Some of the petitioners have superannuated in between 2016 and 2021.*
10. *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 filing of the writ petitions or as per actuals, whichever is*

less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, on or before 30.08.2022.”

5. As such, this Writ Petition is partly allowed.
6. Respondent No.2/Zilla Parishad would grant benefits to the petitioners as directed in paragraphs 9 and 10 (reproduced above) of *Changdeo Genuji Dudhat (supra)*, on or before 30.11.2022.

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