

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8439 OF 2022

AGATRAO MURLIDHAR MAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.G.J.Kore, Advocate for the petitioners.
Mr.S.G.Sangle, AGP for the respondent/State.
Mr.B.B.Bhise, Advocate for respondent No.5.

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

DATE : SEPTEMBER 28, 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 a 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 a chart hereunder :-

Sr. No.	Name of the petitioner	Initial date of appointment	Date of due increment	Date of superannuation
1.	Agatrao Murlidhar Magar	31.12.1981	01.07.2014	30.06.2014
2.	Mahadev Rajaram Patil	08.12.1980	01.07.2014	30.06.2014
3.	Dattu Tukaram Kamble	26.08.1986	01.07.2016	30.06.2016
4.	Chandrakant Ganpatrao Parde	14.02.1985 As Muster Assistant and on 09.08.2004 he is absorbed in Z.P.	01.07.2022	30.06.2022

3. The issue raised is no longer *res integra*, having been concluded by the Madras High Court Vide judgment dated 15.09.2017, in Writ Petition No.15372 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.

4. In view of the above, these petitions are partly allowed. 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. In so far as arrears of the benefits are concerned, the petitioners would be entitled for the same for a period of three years preceding the date of the filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners on or before 30.12.2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)