

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

913 WRIT PETITION NO.10047 OF 2022

**KAILAS GORAKHNATH SURVASE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioners: Mr. Sontakke Sandeep B
AGP for Respondent/State: Mr. S. K. Tambe
Advocate for Respondent Nos.2&3: Mr. S. B. Ghute

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 29th SEPTEMBER, 2022

PER COURT:

1. The Petitioners have put-forth prayer clauses 'B' and 'C', as under:-

"B) By issuing writ of Mandamus or any appropriate writ, order or direction in like nature, to direct the respondents to grant advance increments to petitioners for Certificates of Excellent Work in view of the orders of this Hon'ble Court in Writ Petition no.8769/2019 dated 18.07.2019.

C) To grant any other Suitable relief in favor of the petitioners and entitled by them as per the law."

2. We have considered the submissions of the learned Advocates for the respective sides and have gone through the Petition paper book.

3. The issue raised is no longer res integra. Time and again, it has been concluded by this Court that the Government Resolution dated 24.08.2017, which seeks to take away incremental / advance increment benefits from employees like the Petitioners, is to be made operative prospectively and not retrospectively.

4. The Government Resolution dated 24.08.2017 has been dealt with by this Court vide Order dated 14.11.2019, in Writ Petition No.13756 of 2019 with connected Writ Petitions. Thereafter, Review Petitions were filed by certain Zilla Parishads. The said Review Petitions were also rejected by a coordinate bench vide order dated

30.08.2022, passed in Review Application No.170 of 2022.

5. In similar set of circumstances, a coordinate bench of this Court delivered an order on 14.09.2022, in Writ Petition No.9411 of 2021, filed by Navnath Ramji Dhumale Vs. The State of Maharashtra and others with connected matters, concluding that it is a well settled position that the scheme of grant of advance increments is discontinued for the first time by the Government vide the Government Resolution dated 24.08.2017, and that this Government Resolution will have to be made operative prospectively and cannot have a retrospective effect.

6. In view of the above, this Petition is allowed in terms of prayer clause 'B'.

7. No costs.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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