

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

WRIT PETITION NO. 3715 OF 2021

1. Kishor Laxman Gadhe
Age 59 years, Occ. Service,
R/o Shabdpuja, Shirasgaon,
Vadala Mahadev,
Tal-Shrirampur, Dist. Ahmednagar.
2. Jayashri Namdev Kirtane
Age 45 years, Occ. Service,
R/o Jawalwadi, Kharwandi Kasar,
Tq. Pathardi, Dist. Ahmednagar.
3. Dilip Shankarrao Borude
Age 40 years, Occ. Service,
R/o At Post Borude Wasti,
Tq. Pathardi, Dist. Ahmednagar
4. Alka Sadashiv Shirsat
Age 47 years, Occ. Service,
R/o At Post Dynadip,
Vaman Bhau Nager, Pathardi,
Tq. Pathardi, Dist. Ahmednagar
5. Rajendra Balbhim Palwe
Age 49 years, Occ. Service,
R/o At Post Fulenager, Pathardi,
Tq. Pathardi, Dist. Ahmednagar
6. Dnyaneshwar Bajirao Garje
Age 53 years, Occ. Service,
R/o At Post Yeli, Pathardi,
Tq. Pathardi, Dist. Ahmednagar
7. Kailash Raybhan Daund
Age 47 years, Occ. Service,
R/o At Post Sonoshi Koradgaon,

Tq. Pathardi, Dist. Ahmednagar

8. Sunil Nivruti Khedakar
Age 41 yrs, Occ: Service,
R/o At Post Takali Manur,
Tinkhadi, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
9. Vitthal Karbhari Shirsat
Age 50 yrs, Occ: Service,
R/o Near Hanuman Mandir
Anandnagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
10. Shahadeo Kashinath Nagare
Age 44 yrs, Occ: Service,
R/o At Post Yeli,
Tq. Pathardi, Dist. Ahmednagar.
11. Kalyan Raosaheb Lavande
Age 46 yrs, Occ: Service,
R/o At Post Tisgaon, Shevgaon Road,
Tq. Pathardi, Dist. Ahmednagar.
12. Chaya Bhausahab Randhave
Age 50 yrs, Occ: Service,
R/o Behind Market Yard, Shivaji Nagar,
Tq. Shrirampur, Dist. Ahmednagar.
13. Jyoti Suryakant Bhusare
Age 47 yrs, Occ: Service,
R/o Chanda,
Tq. Newasa, Dist. Ahmednagar.
14. Chanda Kondiram Markad
Age 50 yrs, Occ: Service,
R/o Chanda,
Tq. Newasa, Dist. Ahmednagar.
15. Sujata Navnath Puri

Age 41 yrs, Occ: Service,
R/o Flat No.1, Extrim Building,
Sahyadri Chowk, Navnagapur,
Anand Nager, M.I.D.C. Nager,
Ahmednagar, Dist. Ahmednagar.

16. Mahendra Bhausahab Antre
Age 40 yrs, Occ: Service,
R/o Songaon, Tal. Rahuri,
Dist. Ahmednagar.

17. Ranjana Balkrishna Shrigadi
Age 43 yrs, Occ: Service,
R/o Plot No.35, Samarth Nagar,
Ahmednagar, Dist. Ahmednagar.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. The Chief Executive Officer,
Zilla Parishad Ahmednagar,
District Ahmednagar.

3. The Education Officer (Primary),
Zilla Parishad Ahmednagar,
District Ahmednagar.

.. **Respondents**

with

WRIT PETITION NO. 3731 OF 2021

1. Sanjay Bhagwanrao Phapale
Age 43 years, Occ. Service,
R/o Ward No.1 Sai Samarth,
Near Borawake College,
Bhairawanathnager, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.

2. Babaji S/o Tukaram Shinde
Age 46 years, Occ. Service,
R/o Malewadi Road,
Prawara Sangam, Tq.& Dist. Ahmednagar.
3. Babanrao S/o Kisan Bankar
Age 44 years, Occ. Service,
R/o Madhuban Bunglow Survey No.417
Behind Ambika Nagar, Kedgaon,
Ahmednagar.
4. Santosh Ramdas Ambekar
Age 45 years, Occ. Service,
R/o Shashtri Nagar, Kedgaon,
Ahmednagar.
5. Swapnil Vinayak Borude
Age 43 years, Occ. Service,
R/o Shikshak Colony,
Kedgaon, Ahmednagar.
6. Bhausahab Dhondibhau Thanage
Age 44 years, Occ. Service,
R/o Hivare Bazar, Ahmednagar
7. Dattatrya Sakharam Supekar
Age 58 years, Occ. Service,
R/o Nandur Khadarmal,
Tq. Sangamner, Dist. Ahmednagar
8. Sanjay Rambhaji Kale
Age 54 yrs, Occ: Service,
R/o Sindhuratna Bunglow, Sharda Scty
Mohini Nagar, Kedgaon,
Dist. Ahmednagar.
9. Shailesh Sampatrao Dhamal
Age 41 yrs, Occ: Service,
R/o Karanji, Pathardi,

Tq. & Dist. Ahmednagar.

10. Shailabai Rajaram Unde
Age 45 yrs, Occ: Service,
R/o Dhyanmauli, Sudarshan Colony,
Shivnagar, Pipeline Road, Savedi,
Tq. & Dist. Ahmednagar.
11. Sanjay Devram Dhamane
Age 56 yrs, Occ: Service,
R/o Sarola Kasar Gavthan,
Tq. & Dist. Ahmednagar.
12. Satyawani Rakma Gadage
Age 42 yrs, Occ: Service,
R/o Gavthan at Borban Ghargaon
Tq. Sangamner, Dist. Ahmednagar.
13. Jagannath Kesu Jadhav
Age 50 yrs, Occ: Service,
R/o Near Maroti Mandir, Panodi,
Tq. & Dist. Ahmednagar.
14. Sanjay Popat Waghmare
Age 45 yrs, Occ: Service,
R/o Rabiya Nagar, Rahata,
Tq. Rahata, Dist. Ahmednagar.
15. Jyoti Bhanudas Netake
Age 45 yrs, Occ: Service,
R/o Kombhali, Tq. Karjat,
Dist. Ahmednagar.
16. Ashok Ganpat More
Age 48 yrs, Occ: Service,
R/o At post Khalal Pimpri
Murme Devgad, Tq. Newasa,
Dist. Ahmednagar.
17. Sunita Ramchandra Shinde

Age 45 yrs, Occ: Service,
R/o H.No.32, Sairam Nagar,
Pipeline Road, Gokul Nagar,
Tq. & Dist. Ahmednagar.

18. Bhausahab Murlidhar Gore
Age 51 yrs, Occ: Service,
R/o Phule Nagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.

19. Raju Sahebrao Narwade
Age 48 yrs, Occ: Service,
R/o Hivre Bazar, Takli Khatgaon,
Tq. & Dist. Ahmednagar.

20. Shashibhaiya Shamwel Tribhuvan
Age 42 yrs, Occ: Service,
R/o Near New English School,
Astagaon, Tq. Rahata,
Dist. Ahmednagar.

21. Shobha Sopan Shendage
Age 42 yrs, Occ: Service,
R/o Sai Sakshi, Behind Utsav Mangal
Karlaya, Thatte Ground, Ward No.7,
Tq. Shrirampur, Dist. Ahmednagar.

22. Shakuntala Ramesh Nimbalkar
Age 56 yrs, Occ: Service,
R/o Near Pravara Bank, Loni Bk
Tq. Rahata, Dist. Ahmednagar.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. The Chief Executive Officer,

Zilla Parishad Ahmednagar,
District Ahmednagar.

3. The Education Officer (Primary),
Zilla Parishad Ahmednagar,
District Ahmednagar.

.. Respondents

with
WRIT PETITION NO. 3997 OF 2021

1. Balasaheb Laxman Golhar
Age 45 years, Occ. Service,
R/o Yeli, Tq. Pathardi,
Dist. Ahmednagar.
2. Baban Vishwanath Sapkal
Age 45 years, Occ. Service,
R/o Asra Nagar, Tq. Pathardi,
Dist. Ahmednagar.
3. Sunil Bhaskar Shirsat
Age 36 years, Occ. Service,
R/o Temburn, At Post Ghatshil,
Pargaon, Dist. Beed.
4. Bhagwat Bansi Garje
Age 46 years, Occ. Service,
R/o Garje Niwas, Shivam Colony,
Waman Bhau Nagar,
Tq. Pathardi, Dist. Ahmednagar.
5. Mohan Bhagwanrao Shirsat
Age 49 years, Occ. Service,
R/o Shirsat wadi,
Tq. Pathardi, Ahmednagar.
6. Popat Tukaram Zarekar
Age 51 years, Occ. Service,
R/o Near Shopping Centre, Ghospuri,

Tq. & Dist. Ahmednagar.

7. Ramjan Shahabuddin Shaikh
Age 50 years, Occ. Service,
R/o Patti Mala, Sarola Kasar,
Tq. & Dist. Ahmednagar
8. Balu Ramnath Gunjal
Age 38 yrs, Occ: Service,
R/o At Post Sukewadi,
Tq. Sangamner, Dist. Ahmednagar.
9. Shivnath Bhagwan Bhujbal
Age 32 yrs, Occ: Service,
R/o Tangadi, Ghargaon,
Tq. & Dist. Ahmednagar.
10. Gokul Gorakh Harde
Age 44 yrs, Occ: Service,
R/o At Post Mandave Khurd
Tq. Parner, Dist. Ahmednagar.
11. Shirish Dagdu Vitekar
Age 46 yrs, Occ: Service,
R/o Datta Colony, Behind Datta
Mandir, Tq. Parner, Dist. Ahmednagar.
12. Somnath Baburao Galange
Age 47 yrs, Occ: Service,
R/o Dhumke wasti, Birewadi
At post Mandave Bk. Tq. Sangamner,
Dist. Ahmednagar.
13. Chhaya Sambhaji Jadhav
Age 46 yrs, Occ: Service,
R/o Wambori,
Tq. & Dist. Ahmednagar.
14. Pratibha Vishnu Waghchoure
Age 41 yrs, Occ: Service,

R/o Plot No.49, Sankalp Niwas,
Near Baneshwar Temple, Shahu Nagar,
Kedgaon, Tq. & Dist. Ahmednagar.

15. Dattatray Gangadhar Korde0
Age 46 yrs, Occ: Service,
R/o Biroba Lavan At Post Loni,
Tq. Rahata, Dist. Ahmednagar.
16. Avinash Gulabrao Gangarde
Age 55 yrs, Occ: Service,
R/o H.No.1270, Plot No.22, Milind
Colony, Kawade Nagar, Bhingar,
Tq. & Dist. Ahmednagar.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad Ahmednagar,
District Ahmednagar.
3. The Education Officer (Primary),
Zilla Parishad Ahmednagar,
District Ahmednagar.

.. **Respondents**

with

WRIT PETITION NO. 4001 OF 2021

1. Shrikrishna Govind Khedkar
Age 48 years, Occ. Service,
R/o Fulenagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
2. Rajlakshmi Rajkumar Sharma
Age 55 years, Occ. Service,

R/o Akhar Bhag,
Tq. Pathardi, Dist. Ahmednagar.

3. Sachin Tukaram Karad
Age 48 years, Occ. Service,
R/o At post Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
4. Rajendra Kashinath Bade
Age 50 years, Occ. Service,
R/o At Post Yeli, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
5. Dattatray Ganpat Gajre
Age 57 years, Occ. Service,
R/o At post Devibhoyare,
Tq. Parner, Dist. Ahmednagar.
6. Namdeo Dattatrya Bade
Age 50 years, Occ. Service,
R/o At post Yeli Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
7. Ashruba Ganesh Chavan
Age 36 years, Occ. Service,
R/o At post Pokharni Tanda,
Bhogaon Devi, Dist. Parbhani.
8. Pushpa Vitthal Funde
Age 38 yrs, Occ: Service,
R/o At post Jire wadi,
Tq. & Dist. Ahmednagar.
9. Balasaheb Sopanrao Shirsat
Age 48 yrs, Occ: Service,
R/o At Post Damalwadi Tisgaon,
Tq. Pathardi, Dist. Ahmednagar.
10. Santosh Appasaheb Borude
Age 44 yrs, Occ: Service,

R/o At Post Damalwadi Tisgaon,
Tq. Pathardi, Dist. Ahmednagar.

11. Subhash Pandurang Sonawane
Age 40 yrs, Occ: Service,
R/o At Post Hingangaon,
Tq. & Dist. Ahmednagar.
12. Abhiman Dyanoba Pakshare
Age 50 yrs, Occ: Service,
R/o Waman Bhaunagar,
Tq. Pathardi, Dist. Ahmednagar.
13. Vitthal Prabhakar Deshmukh
Age 44 yrs, Occ: Service,
R/o Jankiprabha Niwas, Anandnagar
Tq. Pathardi, Dist. Ahmednagar.
14. Simantini Chagan Temkar
Age 45 yrs, Occ: Service,
R/o Near Hanuman Mandir,
Anandnagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
15. Nanda Pralhad Nagare
Age 48 yrs, Occ: Service,
R/o Pralhad Nagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad Ahmednagar,
District Ahmednagar.

3. The Education Officer (Primary),
Zilla Parishad Ahmednagar,
District Ahmednagar.

.. Respondents

with

WRIT PETITION NO. 5411 OF 2021

1. Sangita Vinayak Akolakar
Age 49 years, Occ. Teacher,
B.NO.18, Kadamabri Nagari,
Tagad Vasti, Pipeline Road,
Savedi, Bhistbaugh, Ahmednagar.

2. Madhuri Shyamrao Jagtap
Age 47 years, Occ. Teacher,
R/o A/P- Wadgaon Amali
Tq. Parner, Dist. Ahmednagar.

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32.
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai – 400 032.
3. The State of Maharashtra,
Through its Secretary,
Rural Development &
Water Conservation Department,
Mantralaya, Mumbai – 400 032.
4. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai – 400 032.

5. The Chief Executive Officer,
Ahmednagar, Tq. & Dist. Ahmednagar.
3. The Education Officer (Primary),
Zilla Parishad, Ahmednagar.

.. Respondents

with
WRIT PETITION NO. 13307 OF 2021

1. Shashikala Kisanrao Jejurkar
Age 57 years, Occ. Service,
R/o Morage Vasti, Siddhivinayak
Mandir Road, Ward No.7, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.
2. Vijaya Ranganath Dahiwal
Age 51 years, Occ. Service,
Padhegaon Road, Teacher Colony,
Belapur Bk. Tq. Shrirampur,
Dist. Ahmednagar.
3. Padmavati Bharat Mahapure
Age 48 years, Occ. Service,
R/o Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.
4. Prasad Ambadas Dahiphale
Age 33 years, Occ. Service,
R/o Kuttarwadi, Ahmednagar,
Dist. Ahmednagar.
5. Suresh Chandar Shengal
Age 43 years, Occ. Service,
R/o New Hudco, Pipeline Road,
Savedi, Ahmednagar,
Dist. Ahmednagar.
6. Varsha Mohan Kachare
Age 44 years, Occ. Service,

R/o Rasane Nagar Road,
New Premdan Hudco Savedi,
Savedi Nagar Road, Ahmednagar.

7. Sanjay Devram Dhamane
Age 57 years, Occ. Service,
R/o At Post Sarola Kasar,
Tq. & Dist. Ahmednagar.
8. Swati Vinayak Nannavare
Age 45 yrs, Occ: Service,
R/o H.No.4990,
Warwande Galli, Maliwada,
Tq. & Dist. Ahmednagar.
9. Kalyan Maruti Raut
Age 53 yrs, Occ: Service,
R/o Malharwadi Road, Bhujadi Plot,
Rahuri, Tq. Rahuri,
Dist. Ahmednagar.
10. Kishor Khemji Trimbake
Age 51 yrs, Occ: Service,
R/o Taharabad Road, Chinchivihare,
Tq. Rahuri, Dist. Ahmednagar.
11. Zakirhussain Rasul Shah
Age 52 yrs, Occ: Service,
R/o Fatima Housing Society Ward,
Bangle No.D25-26, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.
12. Mohmmad Badar Banesaheb Shaikh
Age 46 yrs, Occ: Service,
R/o 2720 Bismillah Naar Kazi Baba Road,
Opp. Beg Mandap, Ward-2, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.
13. Anil Pandurang Dimbar
Age 52 yrs, Occ: Service,

R/o Padmshri Nagar, Sadatpur Road,
Loni, Tq. Rahata, Dist. Ahmednagar.

14. Bajrang Tukaram Bandal
Age 46 yrs, Occ: Service,
R/o Galli No.16, Savedi Road,
New Premdan Hudco Savedi,
Tq. & Dist. Ahmednagar.
15. Annasaheb Rambhau Salunke
Age 36 yrs, Occ: Service,
R/o Koradgason, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
16. Shaikh Ramjan Shahabuddin
Age 51 yrs, Occ: Service,
R/o Subhashwadi, Ahmednagar,
Tq. & Dist. Ahmednagar.
17. Nasddrin Badruddin Sayyad
Age 50 yrs, Occ: Service,
R/o Near D Paul School,
Agashe Nagar, Tilaknagar,
Tq. Shrirampur, Dist. Ahmednagar.
18. Minakshi Shankarrao Tambe
Age 51 yrs, Occ: Service,
R/o Mamdapur, Tq. Rahata,
Dist. Ahmednagar.
19. Nandkumar Asaram Patharkar
Age 51 yrs, Occ: Service,
R/o Ramkrishna Nagar,
Dnyaneshwar Road, Ahmednagar,
Dist. Ahmednagar.
20. Rajendra Mahadev Jaybhaye
Age 47 yrs, Occ: Service,
R/o Pasayadan Colony,
Wamanbhau Nagar, Pathardi,

Tq. Pathardi, Dist. Ahmednagar.

21. Sangita Nathuram Masal
Age 40 yrs, Occ: Service,
R/o Pasayadan Clony,
Dhangarwadi Ralegaon Mhasobache,
Ralegan Nagar, Ahmednagar
Dist. Ahmednagar.
22. Subhash Ashok Naik
Age 44 yrs, Occ: Service,
R/o Karajgaon, Ahmednagar,
Dist. Ahmednagar.
23. Pratibha Namdeo Sanap
Age 36 yrs, Occ: Service,
R/o Sonai Ghodegaon Road,
Sopnai, Ahmednagar,
Dist. Ahmednagar.
24. Ravindra Ramchandra Kadupatil
Age 52 yrs, Occ: Service,
R/o Khalwadi, Tq. Newasa,
Newasa (Rural), Ahmednagar,
Dist. Ahmednagar.
25. Dnyaneshwar Ramkisan Jadhav
Age 50 yrs, Occ: Service,
R/o Vivekanandnagar, Tq. Newasa,
Newasa (Rural), Ahmednagar,
Dist. Ahmednagar.
26. Malanbai Nanduseth Kolapkar
Age 44 yrs, Occ: Service,
R/o Ramkrushna Nagar,
Newasa (Rural), Ahmednagar,
Dist. Ahmednagar.
27. Pravin Gangadhar Waghmare
Age 35 yrs, Occ: Service,

R/o Maliwada, Chinchodi Patil
Ahmednagar, Dist. Ahmednagar.

28. Daulat Prabhakar Tuwar
Age 53 yrs, Occ: Service,
R/o Mu.Po. Pachegav,
Tq. Newasa, Dist. Ahmednagar.

.. **Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad Ahmednagar,
District Ahmednagar.
3. The Education Officer (Primary),
Zilla Parishad Ahmednagar,
District Ahmednagar.

.. **Respondents**

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Ms. Kavita S. Bhale, Advocate for the Petitioners in all the petitions.

Mrs. M.A. Deshpande, AGP for the respondent-State.

Mr. Avinash D. Aghav, Advocate for the respondents.

Ms. Suvarna M. Zaware, Advocate for R/5 in WP/5411/21 & WP/13307/2021

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**CORAM : SMT. VIBHA KANKANWADI &
Y.G. KHOBRADE, JJ.**

DATE : 18th October, 2022

JUDGMENT:- (Per: Y.G. Khobragade, J.)

Rule. Rule made returnable forthwith. With the consent of the parties taken up for final disposal at admission stage.

2. We have heard Ms. Kavita Bhale, learned counsel for the petitioners, Mrs. M.A. Deshpande, learned AGP for respondent-State and Mr. Avinash D. Aghav, learned counsel appearing for respondent Nos.2 and 3 and Ms. Suvarna learned counsel for respondent no.5 at length.

3. By these petitions under Article 226 of the Constitution of India, the petitioners prayed for issuance of directions against respondents for grant of additional increments on account of performing 'most excellent/outstanding work' by them in view of Government Resolutions dated 20.06.1989 and 31.10.1989.

4. According to the petitioners, they are working as teachers in various Schools running under the control of Zilla Parishad, Ahmednagar and from the date of their joining duties, they are performing excellent and outstanding work, so also, their service tenure is unblemished. On 20.06.1989 and 31.10.1989, respondent No.1-State Government issued Government Resolutions and framed guidelines to grant additional increments for the excellent work performed by the primary teachers of Zilla Parishadas. Since their annual confidential reports are excellent and outstanding, therefore, in view of the Government Resolutions dated 20.06.1989 and 31.10.1989, the

petitioners are entitled for additional increments. Some of the petitioners have performed most excellent/outstanding work for more than 5 years, therefore, they are eligible for two additional increments and some of the petitioners done most excellent work for more than three years and hence they are eligible for one additional increment. However, no such additional increments are granted to them.

5. The petitioners further advert that, respondent No.1 State Government has taken a decision and decided to extend benefit of 6th Pay Commission and established Pay Revision Committee under the control of P.M.A.Hakim. Accordingly, the Pay Revision Committee framed a memorandum for fixing the pay scale of the government servants, wherein recommendation is made for grant of additional increment of 4% of salary for excellent work. The State Government issued Resolution dated 27.02.2009 and decided to fix the pay scale of the teachers as per the recommendation of the Hakim Committee while implementing the sixth pay scale, wherein recommendations were made for fixation of pay scale of the teachers. However, the recommendation made by the Hakim Committee in Para No. 3.24 about grant of 4% additional increment has not been accepted by the State Government and no provision for grant of additional one or two increments while fixing of pay scale as per the 6th pay commission is made and the issue about grant of

1% more salary to the teachers was under consideration of respondent no.1 as per Circular dated 03.07.2009. According to the petitioners, they performed excellent work but their pay scale was fixed by excluding additional increments for the period from 01.10.2006, 01.10.2007 and 01.10.2008. No positive decision was taken by respondent No. 1 as per Circular dated 03.07.2009 for grant of additional increments for excellent work. On 24.08.2017, the State Government issued Government Resolution and decided not to grant benefits of additional increments to the government servants from 2006 to 2015 in view of recommendations of Para 3.24 of the Pay Revision Committee as the period of 10 years of 6th pay commission w.e.f. 01.01.2006 to 01.10.2015 already expired. Therefore, the action on the part of respondent No.1 is discriminatory and violative of principles of equity and they are entitled for additional increments as per Government Resolutions dated 20.06.1989 and 31.10.1989.

6. Respondent Nos. 2 and 3 have filed their reply affidavit and contended that, the petitioners have challenged the Government Resolution dated 24.08.2017, however, on 20.01.2020, the State Government issued clarification and made applicable the Government Resolution dated 24.08.2017 to the employees of the Zilla Parishads. Therefore, in view of

Government resolution dated 24.08.2017, the petitioners are not entitled for grant of additional increments. Hence prayed for dismissal of the petitions.

7. The learned counsel appearing for the petitioners submitted that the petitioners in all these petitions are working as Assistant Teachers in various schools of Zilla Parishads in Ahmednagar District and the respondent No.2 maintained the Annual Confidential Report of the petitioners, wherein the petitioners performed most excellent / outstanding work and as per the Government Resolutions dated 20.06.1989 and 31.10.1989, therefore, the petitioners are entitled for additional / advance increments. However, the State Government issued a Govt. Resolution on 24.08.2017 and decided not to grant benefits of additional increments to the Government servants for the period from 2006 to 2015, in view of recommendations of para 3.24 of the pay scale committee as period of 10 years of the sixth pay commission from 01.01.2006 to 01.10.2015 already expired and issue about grant of monetary benefits of additional increments time barred. Therefore, action on the part of respondent No.1 while denying additional increments for excellent performance is illegal and bad in law.

8. The learned counsel for the petitioners further submitted that other similarly situated persons like petitioners had approached this Court by

filing Writ Petition No. 12502 of 2019 and on 15.10.2019, this Court passed an order, wherein it is observed that, in case the petitioners are awardees of excellent work prior to 24.08.2017, then the authorities of the Zilla Parishad, after confirming that the petitioners are issued certificates of excellent work, shall consider the case of the petitioners for additional increments as laid down under the Government resolution governing grant of additional increments to the excellent work awardee teachers and the same shall be decided on its own merits within a period of six months from the date of the order. While passing the order dated 15.10.2019, this Court further observed that Government Resolution dated 24.08.2017 does not have retrospective operation and will not be applicable to the teachers who have been awarded certificates of excellent work prior to the said Government Resolution. Therefore, the learned counsel for the petitioners submitted that the petitioners are entitled for additional increments as per the Government Resolutions dated 20.06.1989 and 31.10.1989.

9. The learned counsel for the petitioners further placed reliance on order dated 14.09.2022 passed by this Court in **Writ Petition No. 9411 of 2021** and connected matters (*Navnath Ramji Dhumale Vs. The State of Maharashtra & Ors.*), wherein, it has been observed that the Scheme of grant of advance increments was discontinued for the first time by the Government

Resolution dated 24.08.2017 and said decision would operate only prospectively. Therefore, eligibility of each of the petitioners may be considered by the respondents for grant of additional increments as per the provisions of Circular dated 14.12.2006 but shall not be rejected only on the ground of issuance of Government resolution dated 24.08.2017.

10. In the backdrop of grievance of the petitioners, it certainly reveals that as per Government Resolutions dated 20.06.1989 and 31.10.1989, Class-3 and Class-4 employees of Zilla Parishads were entitled for the additional one increment, if their annual confidential reports are recorded most excellent/outstanding for three years and two additional increments if their annual confidential reports are most excellent / outstanding for the period of five years. The petitioners have produced Annexure-B about their respective annual confidential reports for the period from 01.01.2012 to 31.03.2018, wherein the reporting officer recorded performance of the petitioners 'outstanding/excellent' and the said fact is not disputed by the respondents.

11. On the face of record, it prima facie appears that the respondent No.1 decided to grant benefits of the sixth pay commission to the Government servants including teachers working with Zilla Parishads and established Pay

Revision Committee in 2008 under the head of P. M.A. Hakim. The Pay Revision Committee recommended for grant of additional increments of 4% of salary for the excellent work performed by the Government servants. Under Government Resolution dated 27.02.2009 and Circular dated 03.07.2009, the provision of grant of one or two additional increments made applicable while fixing the pay scale as per recommendations of para No. 3.24 of the report of the Pay Revision Committee not been discontinued. However, on 24.08.2017, the State Government issued Government Resolution and decided not to grant benefits of additional increments to the Government servants for the period from 2006 to 2015 in view of recommendations in Para 3.24 of the Pay Revision Committee report as the period of 10 years of the 6th Pay Commission from 01.01.2006 to 01.10.2015 had already been expired.

12. It is submitted that, the Government Resolution dated 24.08.2017 issued by respondent No.1 certainly operates prospectively and would not have retrospective effect in regard to additional increments prior to the issuance of the Government Resolution and no specific instructions are being issued prior to 24.08.2017 for discontinuation of scheme of granting advance increments. Nonetheless, in order dated 14.09.2022 passed by this Court in Writ Petition No. 9411 of 2021 and connected matters, the Scheme of grant of

advance increments, Government Resolution dated 24.08.2017, Circular dated 03.07.2009 and Hakim Committee's recommendations already been considered and held that, the employees become eligible for grant of advance increments after 27.02.2009. Under this circumstance, discontinuance of scheme of advance increments by the Government under Government Resolution dated 24.08.2017 has no retrospective effect. In this circumstance, the petitioners, if they are eligible for advance increments in pursuance of Government Resolutions dated 20.06.1989 and 31.10.1989, would certainly entitle for additional increments and their claim may be considered by the respondents for grant of advance increments till the Government Resolution dated 24.08.2017 came into force.

13. In view of above discussion, the petitioners are granted liberty to approach the respondent No.2- Chef Executive Officer with their grievance within a period of four weeks from today and after submitting such representations, the respondent No.2 is hereby directed to decide the said representations within a period of 12 weeks from the date of submission of the representations.

14. In case the petitioners are found eligible for grant of benefits of advance increments, the consequential benefits may be awarded to the respective petitioners within a period of eight weeks there from.

15. Accordingly, all the Writ Petitions are hereby disposed of. Rule is made absolute in above terms. No order as to costs.

[Y.G. KHOBRADE, J.]

[SMT. VIBHA KANKANWADI, J.]