

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

903 WRIT PETITION NO.7701 OF 2020

RATAN KASHINATH NAIKODE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

904 WRIT PETITION NO.7702 OF 2020

PRATAP NARAYANRAO HUMBE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

905 WRIT PETITION NO.3129 OF 2022

MADHUKAR SADASHIV MALODE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

909 WRIT PETITION NO.7015 OF 2022

BALASAHEB HANMANTRAO MITTEWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

911 WRIT PETITION NO.8778 OF 2022

VASANT SITARAM VAIDYA AND ANOTHER

VERSUS

THE STATE MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND

912 WRIT PETITION NO.8780 OF 2022

SUNILKUMAR JANARDHANRAO BHAVSAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

...

AND
913 WRIT PETITION NO.8782 OF 2022
PURUSHOTTAM RANGNATH GAIKWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
AND
914 WRIT PETITION NO.8813 OF 2022
SUDHAKAR DATTATRAY ADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

...
AND
915 WRIT PETITION NO.8829 OF 2022
MAROTI ANANTRAO TAK AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
AND
916 WRIT PETITION NO.8832 OF 2022
ANAND VISHWANATH BODADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
AND
WRIT PETITION NO.8679 OF 2022
MURLIDHAR ANANDRAO LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
AND
WRIT PETITION NO.8722 OF 2022
ALKA SAKHARAMPANT NATHREKAR
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO.6489 OF 2022

ASHOK CHANDOJI PANDIT AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO.6488 OF 2022

ABDUL MANNAN ABDUL SATTAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO.8883 OF 2022

BHAGWAN SHENFAD JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri A.C. Deshpande, Shri E.S. Murge, Shri H.S. Bali, Shri S.N. Janakwade, Shri S.B. Sontakke and Shri C.V. Dharurkar, Advocates for the petitioners in the respective petitions.

Shri S.K.Tambe, Shri S.G. Karlekar, Shri S.G. Sangle, Shri P.S.Patil and Shri A.R. Kale, AGPs for the respondents/State in the respective petitions.

Shri S.B. Pulkundwar, Advocate for respondents 3 to 5 in Writ Petition No.3129/2022.

Shri B.B. Bhise, Advocate for respondents 2 to 5 in WP 7015/2022 and 8778/2020 and for respondents 2 to 6 in WP 8782/2022.

Shri V.H. Solanke, Advocate for respondents 4 to 6.

Shri C.K. Shinde, Advocate for respondents 3 and 4 in WP
6489/2022, 6488/2022

...

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

DATE :- 26th August, 2022

Per Court :-

1. The matters viz. Writ Petition Nos.8679/2022, 8722/2022, 6489/2022, 6488/2022 and 8883/2022, which are not on the board, are mentioned. Considering the similar issue involved, they are also heard along with this group of petitions.

2. In all these petitions, 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.

3. 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:-

Sr. No.	W.P.No.	Date Of appointment	Name of the petitioners	Date of last increment	Date of superannuation
1	8679/2022	--	Murlidhar Anandrao Lokhande	1.7.2019	30.6.2020
2	8722/2022	1.9.1983	Alka Sakharampant Nathrekar	1.7.2019	30.6.2020
3	7701/2020	23.11.1992	Ratan Kashinath Naikode	1.7.2018	30.6.2019
4	7702/2020	31.8.1988	Pratap Narayanrao Humbe	1.7.2016	30.6.2017
		1.9.1983	Digambar Govindrao Bharate	1.7.2013	30.6.2014
5	8780/2022	27.6.1989	Sunilkumar Janardhanrao Bhavsar	1.7.2021	30.6.2022
6	8829/2022	31.7.1984	Maroti s/o Anantrao Tak	1.7.2021	30.06.2022
		21.11.1990	Baliram s/o Dagdu Dhawale	1.7.2021	30.06.2022
7	8832/2022	11.12.1979	Anand Vishwanath Bodhade	1.7.2012	30.6.2013
		23.12.1982	Machindra Vishwanth Ugle	1.7.2012	30.6.2013
8.	8883/2022	10.3.1981	Bhagwan Shenfad Jadhav	1.7.2016	30.6.2017
		7.5.1981	Ramjani Munir Baig	1.7.2016	30.6.2017
9.	3129/2022	6.1.1986	Madhukar Sadashiv Malode	1.7.2020	30.6.2021
10	7015/2022	27.11.1991	Balasaheb Hanumantrao Mittewad	1.7.2020	30.6.2021
11	8778/2022	17.1.1986	Vasant Sitaram Vaidya	1.7.2020	30.6.2021
		--	Devichand Belaram Tathe	1.7.2020	30.6.2021
12	8782/2022	15.4.1982	Purshottam Rangnath Gaikwad	1.7.2016	30.6.2017
		10.07.1986	Madhukar Bhagwan	1.7.2016	30.6.2017

			Misal		
		--	Shila Ramesh Bubne	1.7.2010	30.6.2011
13	8813/2022	11.7.1991	Sudhakar Dattatraya Adhav	1.7.2020	30.6.2021
14	6489/2022	18.08.1981	Ashok Chandoji Pandit	01.07.2018	30.06.2019
		10.01.1996	Bhagvan Sambha Govande	30.06.2020	30.06.2021
15	6488/2022	01.04.1985	Abdul Mannan Abdul Sattar	30.06.2020	30.06.2021
		05.11.1984	Pradeep Prabhakar Rao Vakil	01.07.2016	30.06.2017
		28.03.1988	Kishor Venkatswami Tirnagarwar	30.06.2019	30.06.2020
		30.04.1985	Gangadhar Vithal Rao Aurade	30.06.2016	30.06.2017
		01.08.1987	Deepak S. Kamble	01.07.2016	30.06.2017
		21.02.1986	Bapusaheb S. Durpade	30.06.2019	30.06.2020
		06.06.1988	Ganesh V. Sarje	30.06.2016	30.06.2017
		19.06.1986	Younus Khan M.A. Kadar Khan	30.06.2018	30.06.2020
		01.04.1985	Vithal Narsing Alewar	30.06.2018	30.06.2019
		10.06.1991	Arjun Dagdoba Kendre	30.06.2019	30.06.2020
		03.04.1993	Ananta Jalabaji Panjol	30.06.2019	30.06.2020

4. The issue raised in these matters 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.

5. 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.”

6. As such, these Writ Petitions are disposed off.
7. The respondents 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.)