

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

92 WRIT PETITION NO.8988 OF 2022

BHANUDAS DADARAO TANGDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Anil P. Basarkar
AGP for Respondent/State: Mr. S. G. Sangle
Advocate for Respondent No.3:
Mr. Prashant D. Suryawanshi

...

AND

...

96 WRIT PETITION NO.8992 OF 2022

ABARAO DNYANOBA BANSODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Anil P. Basarkar
AGP for Respondent/State: Mr. P. S. Patil
Advocate for Respondent No.3:
Mr. Prashant D. Suryawanshi

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 06th SEPTEMBER, 2022

PER COURT:

1. The issue raised by the Petitioners is with regard to they being eligible and entitled to one annual increment on having completed the

service of 1 year from 01.07.2021 till 30.06.2022 (WP/8988/2022) and from 01.07.2020 till 30.06.2021 (WP/8992/2022). They superannuated with effect from 01.07.2022 and 01.07.2021, effectively after working hours on 30.06.2022 and 30.06.2021, respectively.

2. The Petitioners have put-forth prayer clause 'B', as under:-

"WP/8988/2022

(B) The respondent authority may kindly direct to treat the retirement date of petitioner is 1st of July 2022 (as per his retirement) & they may kindly direct to grant notional benefits of annual increment as he completed one full year service, though he is due for annual increment on 1st of July 2022, only for the purpose of pensionary benefits & not for any other purpose by issuing writ of mandamus or any other appropriate writ, order, direction as the case may be.

WP/8992/2022

(B) The respondent authority may kindly direct to treat the retirement date of petitioner is 1st of July 2021 (as

per his retirement) & they may kindly direct to grant notional benefits of annual increment as he completed one full year service, though he is due for annual increment on 1st of July 2021, only for the purpose of pensionary benefits & not for any other purpose by issuing writ of mandamus or any other appropriate writ, order, direction as the case may be."

3. The issue raised by the Petitioners is no longer res integra in the light of the Judgment delivered by this Court on 24.06.2021 in Writ Petition No. 6396 of 2020, filed by **Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others**, which has been sustained by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.206 of 2022.

4. In view of the above, for the same reasons set out in the Judgment dated 24.06.2021 and identical orders passed in several matters by this Court, these Petitions are allowed.

5. The Petitioners are held entitled for one annual increment which would be notionally

reckoned with for calculating their pensionary benefits payable from 01.07.2022 and 01.07.2021, respectively. The Petitioners would be entitled for pension, gratuity, earned leave, commutation benefits, retiral / pensionary benefits by notionally including one annual increment at the time of their superannuation.

6. In Writ Petition No.8992 of 2022, the Petitioner is superannuated after working hours on 30.06.2021. In the light of the same, he would be entitled for monetary benefits by way of arrears with effect from 01.07.2021.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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