

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

915 WRIT PETITION NO.9236 OF 2022

JEEVAN TUKARAM ATTARDE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Pramod A. Pisal

AGP for Respondent/State: Mr. S. G. Karlekar

...

AND

...

916 WRIT PETITION NO.9237 OF 2022

RAMESH BANSI PATEL

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Pramod A. Pisal

AGP for Respondent/State: Mr. S. G. Karlekar

...

AND

...

973 WRIT PETITION NO.9232 OF 2022

SUBHASH ANANDA CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Pramod A. Pisal

AGP for Respondent/State: Mr. S. G. Karlekar

...

AND

...

4 WRIT PETITION NO.9254 OF 2022

WAMAN DATTATRAYA PANCHAL

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Estling S. Murge
AGP for Respondent/State: Mr. S. G. Karlekar

...
AND

...

5 WRIT PETITION NO.9255 OF 2022

TANAJI BHAGWANRAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Estling S. Murge
AGP for Respondent/State: Mr. S. G. Karlekar

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 13th SEPTEMBER, 2022

PER COURT:

1. In all these matters, the Petitioners have superannuated on 30.06.2010, 30.06.2014, 30.06.2012, 30.06.2019 and 30.06.2013, respectively. The issue raised is as regards the annual increment that was due and payable to these Petitioners after completing one particular year on 30th June. As such, in Writ Petition No.9236 of 2022, the annual increment became due and payable after completing one year of service from 01.07.2009 till 30.06.2010. In Writ Petition No.9237 of 2022, the increment became due and

payable after completing one year of service from 01.07.2013 till 30.06.2014. In Writ Petition No.9232 of 2022, the increment became due and payable after completing one year of service from 01.07.2011 till 30.06.2012. In Writ Petition No.9254 of 2022, the increment became due and payable after completing one year of service from 01.07.2018 till 30.06.2019. In Writ Petition No.9255 of 2022, the increment became due and payable after completing one year of service from 01.07.2012 till 30.06.2013. The notional addition of these increments, so as to calculate the last drawn salary on the basis of which the retiral benefits are to be calculated, has not been given to the Petitioners, as they superannuated on 30.06.2010, 30.06.2014, 30.06.2012, 30.06.2019 and 30.06.2013 respectively.

2. 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.15732 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.

3. 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. Insofar 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 filing of these Petitions 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.]
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[RAVINDRA V. GHUGE, J.]