

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

**902 CIVIL APPLICATION NO.2734 OF 2022
IN RAST/25930/2021**

**THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS
SHIVAJI GOVINDRAO YERANDE AND OTHERS**

...
Advocate for Applicants : Mr. Tandale Pradeepkumar R.
AGP for Respondents/State : Mr S.B. Yawalkar
Advocate for Respondents : Mr. S.G. Rudrawar for R/1 to 5
...

**CORAM : SMT. VIBHA KANKANWADI &
Y.G. KHOBRAGADE, JJ.
DATE : 11th November, 2022**

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

Heard advocate Mr. Tandale learned counsel appearing for the applicants, learned AGP Mr. S.B. Yawalkar for respondent-State and Mr. Rudrawar learned counsel for the respondent nos.1 to 5.

2. The applicants who are original respondent nos.5 and 6 in Writ Petition No.10558/2019 have filed present application and prayed for condonation of delay of 64 days caused in filing review petition.

3. The learned counsel appearing for the applicants vehemently canvassed that present non-applicant no.1 had filed Writ Petition

No.10558/2019 and had challenged Government Resolution dated 24.08.2017 issued by the original respondent nos.1 to 5 and prayed for quashing and setting aside Government Resolution by which it was declared that the additional increment will not be paid to the employees because revised pay scale granted to the applicants in pursuance of recommendations of 6th Pay Commission on 12.12.2019. This Court passed an order and directed the present applicants/original respondents to consider the case of the petitioner as per circular dated 14.12.2006. Accordingly, the present applicants sought legal opinion from the State Government and after receiving the Government Resolution dated 24.08.2017 declared having prospective effect. Therefore, the present applicants preferred the review petition, however, due to administrative exigency and due to pandemic situation 64 days period has been lapsed which is not intentional, deliberate but it is *bona fide*.

4. Per contra, the learned counsel appearing for the non applicant nos.1 to 5 Advocate Rudrawar vehemently submitted that, applicants have not explained day to day delay and reasons set out for condonation of delay is not just and proper, so also, the present non applicant no.8 filed Review Application (Civil) No.170/2022 in Writ Petition No.13960/2019 and other connected matters, which already been dismissed by this Court on

30.08.2022. Therefore, the review petition which has been filed by the present applicants is liable to be dismissed as grievance of the present applicant has already been covered in decision of the review petition.

5. It is submitted that on 12.12.2019 this Court passed an order in Writ Petition No.10558/2019 (Shivaji Govindrao Yerande & The State of Maharashtra & Ors.) and held that the view taken in Writ Petition No.1954/2018 with other connected matters decided on 25.01.2019, the Government Resolution dated 24.08.2017 will have retrospective effect and will not have prospective effect and in that case benefit that was accorded to the petitioners for excellent work in the year 2007/2009 shall not be withdrawn and if any recovery is made pursuant to the same the same, same shall be refunded to the petitioners.

6. Thereafter, the present applicants sought legal opinion from the State to file review petition in all such matters, wherein Government Resolution dated 24.08.2017 was declared as having prospective effect. Thereafter, the present applicants filed present application for condonation of delay along with review petition on the ground that due to administrative exigency and due to pandemic situation the application could not be filed within the stipulated period. No doubt grounds set out by the present

applicants for condonation of delay of 64 days in filing the review petition does not appear *bona fide* and substantial, so also, other review petitions in which similar grievance has been raised by the applicants already been dismissed by this Court vide judgment and order dated 30.08.2022 passed in Review Application (Civil) no.170/2022. Therefore, the present application is liable to be dismissed, in view of judgment and order dated 30.08.2022 as observed above.

7. In view of above discussion, the present application is hereby dismissed.

[Y.G. KHOBRAGADE, J.]

[SMT. VIBHA KANKANWADI, J.]