

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

925 WRIT PETITION NO.10201 OF 2019

ANAGHA ANANT JAVALGEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Salgare Vitthal G.
AGP for Respondents/State : Mrs. R.P. Gour
Advocate for R/3 : Mr. Dhongade Suresh D.
...

**CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**
DATE : 21st July, 2022

PC. :-

This petition can be disposed of on a short count as the issue raised in the petition is no longer *res integra*.

2. The petitioner has retired from the service of the respondent no.3 Godavari Marathwada Irrigation Development, Corporation, Aurangabad ('Corporation' for short) on 30.06.2011 as a Superintendent. The petitioner claims that she is entitled to the annual increment which was falling due on 01.07.2011 i.e. on the very next day of her retirement on superannuation on 30.06.2011. The petitioner in such circumstances is seeking re-fixation of the

pensionable pay by granting the annual increment which fell due on 01.07.2011.

3. This issue has been considered by this Court in several decisions including Writ Petition No.6638/2022 (**Dattatraya Madhavrao Jogdankar Vs. The State of Maharashtra and others**) decided on 30.06.2022, in which this Court has held that an employee retiring on 30th June of the year would be entitled to the annual increment falling due on 1st July of the said year. This Court in **Dattatraya Madhavrao Jogdankar** (supra) referred to the decision of the Madras High Court dated 15.09.2017 in Writ Petition No.15732/2017. (**P. Ayyamperumal V/s. Perumal V/s. The Registrar, Central Administrative Tribunal and Others**). The decision of the Madras High Court was carried to the Supreme Court in Special Leave Petition (Civil) Diary No. 22283/2018 which was dismissed on 23.07.2018.

4. It is not necessary to dilate any further. In that view of the matter, the Petition is allowed. We hold that the petitioner is entitled to the annual increment falling due on 01.07.2011. However, as the petitioner has retired on 01.07.2011, it would be appropriate to restrict the monetary benefits arising out of grant of annual increment on 01.07.2011 for a period of three years preceding the date of her superannuation or the actual benefits

whichever are less. The same course has been adopted by this Court in Writ Petition No.6638/2022. We direct that the payment of arrears of such monetary benefits shall be made on or before 31.10.2022. In the circumstances, there shall be no order as to costs.

[SANDIPKUMAR C. MORE, J.]

[C.V. BHADANG, J.]