

(1)

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

WRIT PETITION NO.10272 OF 2022

**SHRI. RAMESH EKNATH SURYAWANSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS**

....

Mr Vishnu B. Madan, Advocate for petitioners;
Mrs R. P. Gaur, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 12th October, 2022

PER COURT:

1. In this petition, 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.

2. All these petitioners have superannuated on the 30th day of June of a 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 a chart hereunder :-

(2)

Name of the petitioners, initial date of their appointments,
Date of last increment & Date of superannuation of petitioners

Sr. No	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation /Retirement
1.	Ramesh Eknath Suryawanshi	12/11/1984	31/05/2020	30/06/2021
2.	Kiran Govind Patil	01/04/1976	31/05/2014	30/06/2014
3.	Sayed Baba Sayed Amjad	08/02/1977	31/05/2014	30/06/2014
4.	Munsafkhan Miyakhan Pathan	16/10/1980	31/05/2019	30/06/2020
5.	Asif Ali Sarvar Ali Sayed	29/01/1978	31/05/2015	30/06/2015
6.	Rafikoddin Aminoddin Kazi	23/12/1980	31/05/2019	30/06/2018
7.	Rajesh Deoram Vanikar	04/02/1987	31/05/2019	30/06/2020
8.	Somnath Bhanudas More	15/02/1984	31/05/2019	30/06/2020
9.	Ahemad Rubab Mahemud Shaikh	16/02/1984	31/05/2019	30/06/2020
10.	Shafiyoddin Chiraguddin Shaikh	08/05/1982	31/05/2019	30/06/2020
11.	Madhukar Ananda Varade	10/05/1975	31/05/2011	30/06/2020

(3)

12.	Dagadu Bhadu Sapkale	07/02/1977	31/05/2012	30/06/2013
13.	Pandurang Ratansing Patil	16/10/1980	31/05/2016	30/06/2017
14.	Prakash Amrut Mahajan	12/09/1978	31/05/2016	30/06/2017
15.	Rajesh Sadashiv Panje	----	31/05/2019	30/06/2020
16.	Sanjay Sadashiv Panje	----	31/05/2019	30/06/2020

3. The issue raised is no longer res integra, having been concluded by the learned Division Bench of the Madras High Court, vide judgment dated 15.09.2017, in WP No.15732/2017, 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.

4. In view of the above, this petition is partly allowed. The petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity,

(4)

earned leave, commutation benefits etc. In so far 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 this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners, on or before **30.12.2022.**

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk