

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

910 WRIT PETITION NO.9293 OF 2022

MUKUND AMBADAS MORE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioner:

Mrs. Ghorpade (Nawale) Jayashree T.

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

...

AND

...

911 WRIT PETITION NO.9685 OF 2022

SHIVAJI LAXMAN DEOKAR AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioners: Mr. Gaikwad Sanjay N.

AGP for Respondent/State: Mr. P. K. Lakhotiya

Advocate for Respondent No.2: Mr. S. B. Ghute

...

AND

...

914 WRIT PETITION NO.10073 OF 2022

NANASAHEB KUNDLIKRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Basarkar Anil P.

AGP for Respondent/State: Mr. A. R. Kale

...

AND

...

918 WRIT PETITION NO.10108 OF 2022

JIJABAI BHAUSAHEB MISAL

VERSUS

THE STATE OF MAHARASHTRA

THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioner:
Mrs. Ghorpade (Nawale) Jayashree T.
AGP for Respondent/State: Mr. P. S. Patil

...

AND

...

919 WRIT PETITION NO.10111 OF 2022

JALANDAR SADASHIVRAO MOHITE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH SECRETARY HIGHER EDUCATION DEPARTMENT AND
OTHERS

...

Advocate for Petitioner:
Mrs. Ghorpade (Nawale) Jayashree T.
AGP for Respondent/State: Mr. S. K. Tambe

...

AND

...

920 WRIT PETITION NO.10112 OF 2022

LALITA SHRIKRISHNA PAKOLU

VERSUS

THE STATE OF MAHARASHTRA

THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioner:
Mrs. Ghorpade (Nawale) Jayashree T.
AGP for Respondent/State: Mr. A. R. Kale

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 29th SEPTEMBER, 2022

PER COURT:

1. In all these Petitions, 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:-

Sr. No.	WP No.	Name of the Petitioners	Initial date of Appointment	Date of last increment	Date of Superannuation
1.	WP/ 9293/ 2022	Mukund Ambadas More	15.09.1990	01.07.2021	30.06.2022
2.	WP/ 9685/ 2022	Shivaji Laxman Deokar	18.04.1980	01.07.2009	30.06.2010
		Ashok Chandarrao Kawale	20.01.1987	01.07.2021	30.06.2022
3.	WP/ 10073/ 2022	Nanasaheb Kundlikrao Jadhav	-	01.07.2015	30.06.2016
4.	WP/ 10108/ 2022	Jijabai Bhausahab Misal	01.12.1985	01.07.2017	30.06.2018
5.	WP/ 10111/ 2022	Jalandar Sadashivrao Mohite	19.07.1986	01.07.2017	30.06.2018
6.	WP/	Lalita	02.10.1979	01.07.2011	30.06.2012

	10112/ 2022	Shrikrishna Pakolu			
--	----------------	-----------------------	--	--	--

3. 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.

4. 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.]

[RAVINDRA V. GHUGE, J.]

marathe