

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO.4809 OF 2022

LAXMAN RAMA DHAWARE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS
AND 915 WRIT PETITION NO.10884 OF 2022
AND 916 WRIT PETITION NO.10904 OF 2022
AND 917 WRIT PETITION NO.10939 OF 2022
AND 1016 WRIT PETITION NO.10101 OF 2022
AND WRIT PETITION NO.11009 OF 2022
AND WRIT PETITION NO.11014 OF 2022
AND WRIT PETITION NO.11015 OF 2022
AND WRIT PETITION NO.11016 OF 2022
AND WRIT PETITION NO.11017 OF 2022
AND WRIT PETITION NO.11021 OF 2022
AND WRIT PETITION NO.11022 OF 2022

Mr.S.B.Bhosale, Mr.H.S.Bali, Mr.A.C.Deshpande, Mr.E.S.Murge and Mr.S.B.Sontakke, Advocates for the petitioners in respective petitions. Mr.S.K.Tambe, Mr.PS.Patil, Mr.S.G.Sangle, Mr.S.G.Karlekar, Ms.R.PGaur, Mr. P.K.Lakhotiya, AGPs' for State. Mr.B.B.Bhise, Advocate for respondent Nos. 3 to 5 in WP No.4809/2022.

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

DATE : OCTOBER 20, 2022

PER COURT :

1. WP Nos.11009/2022, 11014/2022, 11015/2022, 11016/2022, 11017/2022, 11021/2022, 11022/2022 were not on board. Since they are identical matters, by consent of the parties, taken on board and heard.

2. 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.

3. 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 :-

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

Sr. No	W.P.No.	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation / Retirement
1.	4809/2022	Laxman Rama Dhaware	30.09.1985	01.07.2020	30.06.2020
2.	10884/2022	Reena w/o Remet Mininjis	14.07.1982	01.07.2020	30.06.2021
3.	10904/2022	Bapu Ravaba Sonwane	1982	01.07.2016	30.06.2017
4.	10939/2022	Ashok Konduji Sable	11.06.1992	01.07.2021	30.06.2022
5.	10101/2022	1. Dinkar Vishwambharrao Unhale	06.03.1986	01.07.2018	30.06.2019
		2. Sambhaji s/o Raghunath Devpuje	30.08.1982	01.07.2015	30.06.2016
		3. Ankush s/o Balgir Giri	25.02.1985	01.07.2019	30.06.2020
		4. Gangadhar s/o Pundlikrao Dhawale	07.11.1989	01.07.2018	30.06.2019
		5. Avinash s/o Vasanttrao Waghmare	12.08.1996	01.07.2020	30.06.2021
		6. Narendra s/o Vasanttrao Wazarkar	01.02.1985	01.07.2021	30.06.2022

		7. Limbaji s/o Rambhau Telbhare	01.09.1989	01.07.2021	30.06.2022
		8. Jagannath s/o Shahurao Shingne	18.08.1981	01.07.2017	30.06.2018
6.	11015/2022	1. Chhagan Sakharan Bhutekar	11.07.1991	01.07.2019	30.06.2020
		2. Sudhir Dattatraya Joshi	03.12.1987	01.07.2019	30.06.2020
		3. Prakash Shankarrao Shinde	10.07.1991	01.07.2019	30.06.2020
		4. Jagannath Kashinath Sanap	05.09.1994	01.07.2019	30.06.2020
		5. Gajanan Tryambak Mante	25.08.1972	01.07.2006	30.06.2007
7.	11014/2022	1. Quadri Syed Maqsood Alam Syed Niroddin	08.03.1982	01.07.2015	30.06.2016
		2. Ashok Deochand Kharule	19.12.1991	01.07.2019	30.06.2020
		3. Anand Shripad Dotonde	26.04.1979	01.07.2013	30.06.2014
8.	11016/2022	Pratap Khiraji Pawar	05.12.1985	01.07.2016	30.06.2017
9.	11009/2022	Chatubhuj Tatyaram Nagargoje	17.02.1978	01.07.2014	30.06.2015
10.	11017/2022	Vijay s/o Bapurao Dhotre	02.09.1985	01.07.2020	30.06.2021
11.	11021/2022	Yashoda Ramrao Warade	02.12.1982	01.07.2017	30.06.2018
12.	11022/2022	1. Daulat s/o Namdeo Gadve	22.08.1989	01.07.2019	30.06.2020
		2. Dagadu s/o Sonaji Bhagyawant	17.06.1994	01.07.2021	30.06.2022
		3. Ashok s/o Bhimrao Salve	01.12.1989	01.07.2018	30.06.2019

4. The issue raised is no longer *res integra*, having been concluded by 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.

5. In view of the above, these petitions are partly allowed. The impugned orders, in which the petitioners had applied to the Authorities for grant of such benefits and such request has been rejected, stand quashed and set aside.

6. 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. 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 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.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)