

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO.10334 OF 2022

SUNIL DHONDU PALKHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
937 WRIT PETITION NO.10335 OF 2022

KISHORE TARACHAND JAGDEO
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
938 WRIT PETITION NO.10336 OF 2022

DNYANESHWAR KHUSHAL SAINDANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
939 WRIT PETITION NO.10337 OF 2022

LALIT LAXMIKANT MOMAYA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
940 WRIT PETITION NO.10339 OF 2022

SUNANDA SADASHIV VAIDYA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
941 WRIT PETITION NO.10340 OF 2022

LALITA ASHOK PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.P.A.Pisal, Advocate for the petitioners.

Mr.P.K.Lakhotiya, Mr.S.G.Sangle, Mr.S.G.Karlekar, Mr.P.S.Patil,
Mr.S.K.Tambe, Mr.A.R.Kale, AGPs' for State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : OCTOBER 06, 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 :-

**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.	10334/2022	Sunil Dhondur Palkhe	26.08.1985	01.07.2021	30.06.2022
2.	10335/2022	Kishore Tarachand Jagdeo	09.08.1986	01.07.2019	30.06.2020
3.	10336/2022	Dnyaneshwar Khusal Saindane	10.12.1991	01.07.2019	30.06.2020
4.	10337/2022	Lalit Laxmikant Momaya	16.08.1990	01.07.2019	30.06.2020
5.	10339/2022	Sunanda Sadashiv Vaidya	08.07.1989	01.07.2016	30.06.2017
6.	10340/2022	Lalita Ashok Patil	29.08.1990	01.07.2019	30.06.2020

3. 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.

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. 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.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)