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

919 WRIT PETITION NO.11625 OF 2022

**KAMLESH CHINDHU NEHETE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

AND

924 WRIT PETITION NO.11635 OF 2022

**NITIN VASANTRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr S. B. Sontakke, Advocate for petitioners;
Mr P. S. Patil, A.G.P. for respondents/State
Mr B. S. Shinde, Advocate for respondent Nos.2 & 3

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

DATE : 23rd November, 2022

PER COURT:

1. The petitioners in both the petitions have put forth similar prayer clause (B), which reads as under:-

“B) By issuing writ of Mandamus or any appropriate writ, order or direction in like nature, to direct the respondents to grant advance increments to petitioners for Certificates of Excellent Work.”

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2. We have considered the submissions of the learned Advocates for the respective sides and have gone through the petition paper book.

3. The issue raised is no longer res integra. Time and again, it has been concluded by this Court, that the Government Resolution dated 24/08/2017, which seeks to take away incremental / advance increment benefits from employees like the petitioners, is to be made operative prospectively and not retrospectively.

4. The Government Resolution dated 24/08/2017 has been dealt with by this Court, vide Order dated 14/11/2019, in Writ Petition No.13756 of 2019 with connected writ petitions. Thereafter, review petitions were filed by certain Zilla Parishads. The said review petitions were also rejected by a Co-ordinate Bench vide order dated 30/08/2022, passed in Review Application No.170 of 2022.

5. In similar set of circumstances, a Co-ordinate Bench of this Court delivered an order on 14/09/2022, in Writ Petition No. 9411 of 2021, filed by Navnath Ramji Dhumale Vs. The State of Maharashtra and others with connected matters, concluding that, it is a well settled position that the scheme of grant of advance

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increments is discontinued for the first time by the Government vide the Government Resolution dated 24/08/2017, and that this Government Resolution will have to be made operative prospectively and cannot have a retrospective effect.

6. In view of the above, these petitions are allowed in terms of prayer clause (B).

7. No costs.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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