

(1)

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

908 WRIT PETITION NO.11382 OF 2022

**BHATAJIRAO SITARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

**AND
909 WRIT PETITION NO.11383 OF 2022**

**DEVIDAS SAHADU LOHAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

....

Mr P. A. Pisal, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents/State

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

DATE : 17th November, 2022

PER COURT:

1. Leave to delete respondent No.4 in both the writ petitions, being a formal party and no relief having been sought against it. Deletion be carried out forthwith.

2. In both 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

(2)

benefits. Such increment became due and payable on the last day before their superannuation, on completion of one year service.

3. Both 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.	11382/2022	Bhatajirao Sitaram Patil	01.01.1985	01.07.2013	30.06.2014
2.	11383/2022	Devidas Sahadu Lohar	16.08.1982	01.07.2013	30.06.2014

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

(3)

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 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.**

6. Needless to state, by including the last earned increment, the appropriate authorities shall recalculate the pensionary benefits of the petitioners and accordingly, pay the pension as per the recalculated amounts along with the arrears.

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

sjk