

(1)

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

927 WRIT PETITION NO.11644 OF 2022

RAJENDRA GOVINDRAO DHOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND

928 WRIT PETITION NO.11647 OF 2022

KESHAV SITARAM KALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND

929 WRIT PETITION NO.11653 OF 2022

DATTATRAYA ASHRUBA PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND

930 WRIT PETITION NO.11657 OF 2022

PRASHANT BHASKARRAO GHUTE AND OTHERS
VERSUS
THE STATE MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Mr Estling S. Murge, Advocate for petitioners;
Mr S. G. Karlekar, Mrs R. P. Gaur, A.G.Ps. for respondent No.1
in respective petitions
Mr V. M. Vibhute, Advocate for respondent Nos.2 & 3 in all
petitions

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

DATE : 23rd November, 2022

PER COURT:

1. All the petitioners are similarly situated. The petitioners in Writ Petition No.11644/2022 have put forth prayer clauses (B), (C) and (D), which read as under : -

“B) It is hold and declares that, the Government Resolution dt. 24/08/2017 issued by the Res. No.1 not made applicable to the petitioners.

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature. The Res. No.2 and 3 may kindly be directed to grant Additional/advance increments to the petitioners by considering their “Most Excellent/outstanding work” Recorded in their Confidential report in view of G.R. dt. 31/10/1989 issued by the Res. No.1.

D) Pending hearing and final disposal of this writ petition to direct the respondents to grant additional/advance increments to the petitioners for “Most Excellent/outstanding work” to the petitioners subject to the final decision of the writ petition.”

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2. The issue raised in these petitions is no longer *res integra*. Vide order dated 14.11.2019 in Writ Petition No. 13756 of 2019 with connected writ petitions, this Court had concluded that the Circular dated 14.12.2006 would continue to apply and the G.R. dated 24.08.2017 would apply prospectively and cannot be granted a retrospective effect. Subsequent to the above, review applications were filed and by judgment and order dated 30.08.2022 in Review Application No. 170 of 2022 and other connected applications, this Court had concluded that there was no merit in the review. With a reasoned order, the review applications were dismissed and it was concluded that, the increments can be discontinued vide G.R. dated 24.08.2017, prospectively.

3. In view of the above, these petitions are partly allowed. In the event, no increments have been paid to these petitioners from the date of their eligibility, till the introduction of the Government Resolution dated 24.08.2017, the petitioners would be entitled to such increments.

4. Needless to state, the employer shall carry out the verification exercise and after considering the record and upon

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finding that the petitioners were eligible for these increments, shall make such payment, expeditiously and preferably, before 28/02/2023.

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

sjk