

(1)

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

914 WRIT PETITION NO.11618 OF 2022

**VIJAYSING SHANKAR THOKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

AND

917 WRIT PETITION NO.11623 OF 2022

**GAJANAN PATILBA JAYBHAYE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr S. B. Sontakke, Advocate for petitioners;
Mr P. S. Patil and Mr S. G. Sangle, A.G.P. for respondents/State

AND

918 WRIT PETITION NO.11624 OF 2022

**VILAS JAGANNATH PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

AND

920 WRIT PETITION NO.11628 OF 2022

**MANGALSING SANDU CHARAWANDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

....

Mr A. C. Deshpande, Advocate for petitioners;
Mrs R. P. Gaur, A.G.P. for respondents/State

AND

(2)

WRIT PETITION NO.11668 OF 2022

RAGHUNATH RAMDAS SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE ITS
SECRETARY AND OTHERS

....

Mr Ameya N. Sabnis, Advocate for petitioners;
Mr S. K. Tambe, A.G.P. for respondents/State

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

DATE : 23rd November, 2022

PER COURT:

1. Writ Petition No.11668/2022 is not on board. By the consent of the parties, taken on board.
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 particular years, 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 :-

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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.	11618/2022	Vijaysing Shankar Thoke	19/07/1991	01/07/2020	30/06/2021
		Subhash Dharamsing Rathod	28/06/1986	01/07/2020	30/06/2021
		Hanumant Sahadu Mokale	28/06/1986	01/07/2020	30/06/2021
		Maharu Garadal Rathod	30/06/1991	01/07/2020	30/06/2021
2.	11623/2022	Gajanan Patilba Jaybhaye	30/07/1977	01/07/2013	30/06/2014
3.	11624/2022	Vilas Jagannath Patil	11/06/1994	01/07/2021	30/06/2022
		Uttam Bhaurao Tambe	01/07/1991	01/07/2019	30/06/2020
		Bhoi Bhatu Elaji	12/08/1991	01/07/2019	30/06/2020
		Rajendra Kalu Deo	30/03/1992	01/07/2021	30/06/2022
		Dilip Baburao Achari	27/09/1989	01/07/2021	30/06/2022
		Eknath Arjun Pakhare	05/11/1991	01/07/2021	30/06/2022

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		Maya Ratnakar Kulkarni	01/06/1991	01/07/2020	30/06/2021
4.	11628/2022	Mangalsing Sandu Charawande	04/02/1989	01/07/2019	30/06/2020
		Pralhad Raghoji Adhave	02/04/1979	01/07/2011	30/06/2012
5.	11668/2022	Raghunath Ramdas Shinde	22/06/1987	01/07/2021	30/06/2022
		Chandrakant Pandharinath Choudhari	14/06/1989	01/07/2020	30/06/2021
		Suresh Kailas Patil	13/06/1988	01/07/2018	30/06/2019
		Satish Madhav Pathar	19/06/1991	01/07/2021	30/06/2022
		Ravindra Baburao Chaudhari	24/06/1986	01/07/2021	30/06/2022
		Ravindra Shankarrao Salunkhe	13/06/1994	01/07/2021	30/06/2022
		Premchand Govindrao Shinde	14/06/1992	01/07/2021	30/06/2022
		Sudhir Rupchand Patil	13/06/1997	01/07/2020	30/06/2021
		Anil Madhav Borole	13/06/1998	01/07/2020	30/06/2021

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 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. Insofar 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 31/01/2023.

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

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