

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

359 WRIT PETITION NO.11137 OF 2022

BABAN NARAYAN FULARI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....

AND

361 WRIT PETITION NO.11139 OF 2022

SHRIKANT MANOHARRAO MANGULKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....

AND

WRIT PETITION NO.11284 OF 2022

MRS. REKHA VINAY JAKATDAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....

Advocate for Petitioners : Ms. Suchita S. Upadhyaya Dhongade
AGP for Respondents: Mr. S.G. Karlekar and Mr. S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th NOVEMBER, 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. The 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.	11137/2022	Baban Narayan Fulari	13.02.1981	01.07.2014	30.06.2015
2.	11137/2022	Suhas Raghunath Dixit	04.04.1979	01.07.2014	30.06.2015
3	11137/2022	Shrikant Manoharrao Mangulkar	20.10.1984	01.07.2020	30.06.2021
4	11284/2022	Rekha Vinay Jakatdar	09.09.1988	01.07.2017	30.06.2018

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 of 2017, filed by P.

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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.**

5. 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.)

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