

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12596 OF 2022

GAYATRI UTTAM PARDESHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioners : Ms.Aarti Bhagwat h/f Shri
Kshirsagar Gajanan K.

AGP for Respondents 1 to 4/State : Shri S.K. Tambe

...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 15th December, 2022

Per Court :-

1. The petitioners have put forth prayer clauses B and C as under :-

- “B) *The Government Resolution dated 24th August, 2017 may kindly be quashed and set aside to the extent of denial of benefits of one or two advance increments to the employees who has been given benefits of sixth pay commission or the same may kindly be declared it will have prospective effect and not retrospective by issuing the writ of mandamus or any other writ or order as the case may be.*
- C) *The resp. No.5 and 6 may kindly be direct to verify C.R. reports of all the petitioners prior to 24.08.2017 as per existing policy and may kindly be directed to sanction/ grant one or two advance increment as per existing policy or*

G.R. or as per G.R. dated 14.12.2006 by issuing the writ of mandamus or any other writ or order as the case may be.”

2. The issue raised in this petition 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, this Writ Petition is 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 finding that the petitioners were eligible for these increments, shall make such payment, expeditiously and preferably, before 28.02.2023.

5. In the event any of the petitioners is found to be disentitled to any benefit, a reasoned order be passed and the said order be communicated to the petitioners within three weeks from the date of completion of the verification exercise. The said petitioner will be at liberty to assail the said order.

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