

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.11702 OF 2022

SIDDHARTH SURYABHAN GAWAI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

.....

AND
909 WRIT PETITION NO.11703 OF 2022

GIRIDHAR UTTAM WAKHRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

AND
911 WRIT PETITION NO.11707 OF 2022

HIRALAL BUGALJI KAMEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Deshpande Abhishek C.
AGP for Respondents 1 to 5: Mrs. R.P Gour, Mr. S.G. Sangle and Mr. S.K.
Tambe

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 24th 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.	11702/2022	Siddharth Suryabhan Gawai	13.06.1988	01.07.2017	30.06.2018
2.	11702/2022	Lata Shrirang Dhule	11.06.1996	01.07.2018	30.06.2019
3	11703/2022	Giridhar Uttam Wakhre	03.04.1992	01.07.2018	30.06.2019
4	11707/2022	Hiralal Bugalji Kamekar	28.11.1977	01.07.2016	30.06.2017
5	11707/2022	Sumitra Rajhans Jadhav	16.07.1984	01.07.2020	30.06.2021

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. 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.

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 **31.01.2023**.

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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