IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

146 WRIT PETITION NO.13001 OF 2022

RAMESH NAGNATH GHORPADE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Pravin B. Rakhunde
AGP for Respondent/State: Mrs. R. P. Gaur.

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

DATE : 22nd December, 2022.

P.C.:

1. In this petition, the issue that has been raised by the petitioner is as regards the notional addition of an annual increment, while computing his pension and pensionary benefits. Such increment became due and payable on the last day before his superannuation, on completion of one year service.

2. The petitioner has superannuated on the 30th day of June of the particular year, as he was due for superannuation. The name of the petitioner and his date of superannuation are mentioned at Exhibit A in this petition.

3. The issue raised in this petition is no longer *res-integra* in the

light of the judgment delivered by the Madras High Court on 15.09.2017 in Writ Petition No.15732/2017 filed by ***P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others***, which has been sustained by the Honourable Supreme Court. This Court (Coram : Ravindra V. Ghuge and Anil L. Pansare, JJ) has also delivered the judgment dated 23.06.2022 in Writ Petition No.6256/2022 filed by ***Changdeo Genuji Dudhat and others vs. State of Maharashtra and others*** and connected petitions. We have corrected paragraph 10 of our judgment dated 23.06.2022 vide order dated 13.07.2022.

4. In view of the above, the case of the petitioner is squarely covered by the said order dated 23.06.2022 and he stands entitled for the benefits as ordered in paragraph 9 and corrected paragraph 10 of the order dated 23.06.2022 in ***Changdeo Genuji Dudhat (supra)***, which read as under :-

> *"9. It is quite apparent that the judgment delivered by the Madras High Court in P.Ayyamperumal (supra), became a cause for these petitioners to approach this Court. None of them had challenged the non-inclusion of the annual increment in their pensionary benefits for calculation purposes, when they superannuated on 30th June of a particular year. As the judgment delivered in P. Ayyamperumal (supra) became known to all, that these petitioners have approached this Court. Some of the petitioners have superannuated in between 2016 and 2021.*
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> *10. Considering these aspects, we are of the view that the arrears of such benefits as granted by us in*

> *paragraph 9 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the dates of their filing of the writ petitions or as per actuals, whichever is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, on or before 30.08.2022."*

5. As such, this petition is disposed off.

6. The respondents would grant benefits to the petitioner as directed in paragraphs 9 and 10 (reproduced above) of ***Changdeo Genuji Dudhat (supra)***, on or before 28.02.2023.

[SANJAY A. DESHMUKH, J.] **[RAVINDRA V. GHUGE, J.]**

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