

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.12514 OF 2022

ABDUL RAZZAQUE ABDUL RAHEMAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
WITH
917 WRIT PETITION NO.12515 OF 2022

LAXMAN KRISHNA MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
WITH
918 WRIT PETITION NO.12519 OF 2022

PRABHAKAR SAVATA KALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
WITH
920 WRIT PETITION NO.12525 OF 2022

PRAKASH NARAYAN MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Ameya N.Sabnis, Advocate for the petitioners.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 3.

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

DATE : DECEMBER 09, 2022

PER COURT :

1. In 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. These petitioners have superannuated on the 30th day of June of a particular year, as they were due for superannuation. The names of the petitioners and their dates of superannuation are mentioned in the charts in these petitions.

3. The issue raised in these petitions 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 petitioners is squarely covered by the said order dated 23.06.2022 and they stand 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.*

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, these petitions are disposed off.

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

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)