

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.12902 OF 2022

RATNAKAR SIMON KAKADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Advocate for Petitioner : Ms. Bhale Kavita S.
AGP for Respondents 1 to 4: Mr. S.G. Sangle
Advocate for Respondents 5 and 6 : Ms. Suvarna Zaware
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th DECEMBER, 2022.**

PER COURT :-

1. The petitioner has put forth prayer clauses (B) and (C) as under :-

B) It is hold and declares that, the Government Resolution dated 24.08.2017 issued by the Respondent No.1 not made applicable to the petitioner.

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the Respondent No.2 and 3 may kindly be directed to grant additional increments to the petitioner for "Most Excellent/ outstanding work" in view of G.R. dated 20.06.1989 issued by the Respondent No.1 by considering their excellent work.

2. The issue raised in this petition is no longer *res integra*. Vide

order dated 14.11.2019 in Writ Petition No. 13760 of 2019, 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. Consequent 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 though the increments have been discontinued vide G.R. dated 24.08.2017, they cannot be denied retrospectively from 2006 onwards.

3. In view of the above, this petition is partly allowed.

4. In the event, no increments have been paid to the petitioner from the date of his eligibility till the introduction of the G.R. dated 24.08.2017, the petitioner would be entitled to such increments.

5. Needless to state, the employer shall carry out the verification exercise and after considering the record and upon finding that the petitioner was eligible for these increments, shall make such payment, expeditiously and preferably before 31.03.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)