

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 218 OF 2020

POPAT BHIKAJI DHAMANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Kavita S. Bhale
AGP for Respondent Nos. 1 to 4 : Mr. S. K. Tambe
Advocate for Respondent Nos. 5 and 6 : Ms. Suvarna M. Zaware

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**CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.**

DATED : 26 SEPTEMBER 2022

PER COURT :-

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

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- B) It is hold and declares that, the Government Resolution dated 24.08.2017 may kindly be quashed and set aside to the extend of denial of benefits of one or two additional/advance increments to the employees who has been given the benefits of sixth pay commission. It means its applicability of retrospective in nature i.e. from 01.01.2006 to 01.10.2015 by issuing the writ of certiorari or any other writ or order.
- 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" for the year 2007-08 to 2016-17 in view of G.R. dated 31.10.1989

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. 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 though the increments have been discontinued vide G.R. dated 24.08.2017, they cannot be given effect retrospectively from 2006 onwards.

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

4. 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 30.12.2022.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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