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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO.247 OF 2023

**BALAJI KISHANRAO GODBHARLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr K. P. Rodge, Advocate for petitioner;
Mr V. M. Kagne, A.G.P. for respondent Nos.1, 2, 5 & 6

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

DATE : 7th January, 2023

PER COURT:

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 learned Advocate for the petitioner submits that respondent Nos.3 and 4 are informal parties.
3. The petitioner was appointed as a Lecturer on 01/07/1991. He has superannuated on the 30th day of June, 2022, as he was

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due for superannuation. The date of the last annual increment of the petitioner was 01/07/2021. He was entitled to an annual increment, payable after completing 1 year of service on 30/06/2022.

4. 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.15732/2017, 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.

5. In view of the above, this petition is partly allowed. The petitioner is entitled to the notional addition of the last yearly increment for the purpose of calculating his pension, gratuity, earned leave, commutation benefits etc. Insofar as arrears of the benefits are concerned, the petitioner would be entitled for the same for a period of three years preceding the date of filing of these petition or as per actuals, whichever is less. Such arrears

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should be calculated and be paid to the petitioners, on or before
31/03/2023.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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