

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.447 OF 2022

MANIRAM KISAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. G.K. Muneshwar
AGP for Respondents 1 to 4: Mr. S.K. Tambe
Advocate for Respondent No.5 : Mr. M.N. Kolhe
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd FEBRUARY, 2023.**

PER COURT :-

1. Leave to correct respondent No.2. Correction be carried out forthwith.

2. 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.

3. The petitioner has superannuated on 30.6.2021, as he was due for superannuation. For the sake of clarity, the name of the petitioner and his date of superannuation are mentioned in a chart hereunder :-

Name of the petitioners, initial date of their appointments,
Date of last increment & Date of superannuation of petitioner

Sr. No	W.P.No.	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation / Retirement
1.	447 of 2022	Maniram Kisan Rathod	19.06.1991	01.07.2020	30.06.2021

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 of 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.

6. 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. In so far 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 this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioner, on or before **31.05.2023**.

7. Needless to state, by including the last earned increment, the appropriate authorities shall recalculate the pensionary benefits of the petitioner and accordingly, pay the pension as per the recalculated amounts, along with the arrears.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/