

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

85 WRIT PETITION NO.1113 OF 2023

DHANANJAY NAMDEO SAKHARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND
90 WRIT PETITION NO.1120 OF 2023

MACHHINDRA MARUTI DHAMAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND
109 WRIT PETITION NO.1189 OF 2023

SOMNATH ASHRU TAKLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioners : Mr. Estling S. Murge
AGP for Respondents: Mr. S.G. Sangle, V.M. Kagne and S.G.
Karlekar

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th JANUARY, 2023.**

PER COURT :-

1. All these petitioners are identically placed. The prayers put forth by the petitioners in the first petition at prayer clauses B, C and D, read as under:-

"B. It is hold and declare that the Government Resolution dated 24.8.2017 issued by the respondent No.1 shall not be made applicable to the petitioners.

C. By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the respondent Nos. 2 and 3 may kindly be directed to grant additional/advance increments to the petitioners by considering their "Most Excellent/outstanding work" recorded in their confidential report in view of G.R. dt. 31.10.1989 issued by the respondent No.1.

D. Pending hearing and final disposal of this writ petition to direct the respondents to grant additional/advance increments to the petitioners for "Most Excellent/outstanding work" to the petitioners subject to the final decision of the writ petition."

2. The issue raised in these petitions is no longer res integra. Vide order dated 14.11.2019, in Writ Petition No. 13756 of 2019 with connected writ petitions, this Court had concluded that the Circular dated 14.12.2006 would continue to apply until the introduction of the G.R. dated 24.08.2017, which 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, the increments can be discontinued vide G.R. dated 24.08.2017, prospectively.

3. In view of the above, these petitions are partly allowed. In the event, no increments have been paid to these petitioners from the date of their eligibility, till the introduction of the Government Resolution dated 24.08.2017, the petitioners 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 petitioners were eligible for these increments, shall make such payment, expeditiously and preferably, before 30.04.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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