

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

48 WRIT PETITION NO.1291 OF 2023

**SHAMRAO ASHANNA MUTYALWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

...
AND

55 WRIT PETITION NO.1298 OF 2023

**TAKHIULLABEG SHADULLABEG MOGHUL
VERSUS
THE STATE MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER**

...
Advocate for the Petitioners : Shri Murge Estling S.
AGPs for Respondent 1/State : Shri P.S. Patil and Shri S.G.
Sangle
Advocate for Respondent 2/ZP : Shri S.B. Pulkundwar
...

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

DATE :- 06th February, 2023

Per Court :-

1. The petitioners are identically placed. In the first petition, the petitioners have put forth prayer clauses (B) and (C), which read as under :-

“(B) This Hon’ble Court by issuing writ of mandamus or

any other writ, order or direction in the like nature, the Respondent no.2 Chief Executive Officer may kindly be directed to grant/pay one additional increment to the petitioners from date of grant of "Adarsh Gramsevak Award" in view of circular dt.10.11.1998 issued by the State Government of Maharashtra and for that purpose issue necessary direction or order to the respondents.

(C) Pending hearing and final disposal of this writ petition to direct the respondent No.2 Chief Executive Officer to pay / grant one additional increment to the petitioners for "Adarsh Gramsevak Award" in view of circular dt.10.11.1998 issued by the State Government of Maharashtra subject to the final decision of the writ petition."

2. This Court has consistently taken a view, that those employees, who were declared as Ideal Gramsevak Awardees in terms of the Government Resolution dated 10.11.1998 and the Circular dated 26.10.2010, would be entitled for incremental benefits and the Government Resolution dated 24.08.2017, withdrawing the said benefits, would be made applicable, prospectively. Recently, a Co-ordinate Bench of this Court has delivered an order on 22.09.2022 in Writ Petition No.9602/2021, filed by ***Balasaheb Nagorao Pawar Vs. State of Maharashtra and***

another and connected matters, granting the benefits to such Gramsevaks. It was also recorded that the review petitions filed by some of the Zilla Parishads have been dismissed by the judgment and order dated 30.08.2022, in Review Application (Civ.) No.170/2022 in Writ Petition No.13670/2019.

3. The learned Advocate representing respondent No.2 and the learned AGPs, submit that, since the law is now crystallized by this Court with the rejection of the review petitions, the respondents would not canvass against the law. The learned Advocate for the Zilla Parishad vehemently opposed these petitions despite the law having been crystallized by the Bombay High Court.

4. In view of the above, we conclude that the advance increments to the Ideal Gramsevaks, in terms of the earlier Government Resolution, cannot be taken away by making the Government Resolution dated 24.08.2017 applicable with retrospective effect. The said Government Resolution would apply prospectively.

5. As such, **these Writ Petitions are allowed.**

6. The respondents / authorities would be at liberty to verify each case of the petitioners and upon their claims being in

conformity with the Government Resolution dated 10.11.1998 and the Circular dated 26.10.2010, the Zilla Parishad shall make the payment of advance increments until 24.08.2017, with arrears, if any, consequent thereto, within a period of 4 (four) months from today. If any recovery is made from any of the petitioners, the same would be refunded to the petitioners after such verification exercise.

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