

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

19 WRIT PETITION NO.1504 OF 2023

**RAJENDRA NARAYAN ROKADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. Solanke Shikrashna B.
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/4 & 5 : Mr. A.D. Aghav
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 13th February, 2023**

PC. :-

1. The learned Advocates for the petitioners places reliance upon a recent order passed by the Co-ordinate Bench dated 19.09.2022 in Writ Petition No.3938/2021. He, therefore, submits that, for the reasons and the conclusions set out in the order dated 19.09.2022, this petition can also be disposed off.
2. The learned advocates for the respondents agree, but with a caveat that the case of the petitioners would be scrutinized by respondent Nos. 2 and 3 and upon assessing the eligibility of the petitioners, they would be granted the benefits within 8 weeks from today.

3. This Court has drawn a conclusion in several matters that the GR dated 24.08.2017, by which the benefit of additional increments has been stopped in the light of the 6th Pay Commission recommendations, would be applicable prospectively and the same cannot be applied retrospectively so as to initiate recovery proceedings against any candidate.

4. The learned AGP submits that a verification exercise will have to be carried out to assess as to whether these petitioners are entitled for the benefits.

5. In view of the above, this petition is disposed off. The respondents/ Zilla Parishad are at liberty to verify the cases of the petitioners as regards their eligibility for the grant of advanced / additional increment in the light of the GR dated 31.10.1989. Needless to state, the petitioners, who are found to be eligible, would be paid their legal dues within 8 weeks from today, if not already paid. In the event, some of the petitioners are found to be ineligible, a reasoned order would be passed in each case setting out the adverse circumstances and such order shall be served upon each of such petitioners, within a period of 3 weeks from the date of the order.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]