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

920 WRIT PETITION NO.1320 OF 2023

INDU NIVRATTI SAMINDRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

AND

921 WRIT PETITION NO.1328 OF 2023

ANURUDRA THRIMBAK SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

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Mr S. S. Phatale, Advocate h/f Mr G. J. Kore, Advocate for
petitioners;

Mr S. G. Sangle, A.G.P. for respondent /State

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

DATE : 2nd February, 2023

PER COURT:

1. In both these petitions, the issue that has been raised by the petitioners is as regards the notional addition of an annual increment, while computing their pension and pensionary benefits. Such increment became due and payable on the last day before their superannuation, on completion of one year service.

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2. All these petitioners have superannuated on the 30th day of June of particular years, as they were due for superannuation. For the sake of clarity, the names of the petitioners and their dates 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 petitioners

Sr. No	W.P.No.	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation /Retirement
1.	1320/2023	Indu Nivratti Samindre	09/01/1986	01/07/2021	30/06/2022
		Vinayak Shripati Gaikwad	24/06/1979	01/07/2016	30/06/2017
		Maya Shripati Damodar	01/10/1982	01/07/2019	30/06/2020
2.	1328/2023	Anuradha T. Shinde	25/02/1993	01/07/2013	30/06/2014
		Ashok B. Gaikwad	07/02/1989	01/07/2021	30/06/2022
		Hanumanth Vithalrao Suraywanshi	1989	01/07/2018	30/06/2019

3. 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**

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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.

4. In view of the above, these petitions are partly allowed. The petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity, earned leave, commutation benefits etc. Insofar as arrears of the benefits are concerned, the petitioners would be entitled for the same for a period of three years preceding the date of filing of these petitions or as per actuals, whichever is less. Such arrears should be calculated and be paid to these petitioners, on or before 31/04/2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk