

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

WRIT PETITION NO.2666 OF 2023

**BHAGVAN SAMBHA GOVANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

**AND
WRIT PETITION NO.2649 OF 2023**

**ASHOK CHANDOJI PANDIT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioners : Shri Mayur Subhedar i/by Shri
Dharurkar Chaitanya V.
AGP for Respondents 1 to 3/State : Shri V.M. Kagne
...

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

DATE :- 20th April, 2023

Per Court :-

1. On 05.04.2023, we had passed the following order:-

- “1. Respondent No.3 has responded to the request of the learned AGP. Service is complete.*
- 2. These 2 Petitioners were party to the order dated 26th August, 2022 passed by this Court alongwith Abdul Mannan Khan Abdul Sattar, Bapusaheb Sambhaji Durpade, Yunus Khan Kadir Khan and Pradeep Prabhakar Rao Vatni Vakil in Writ Petition No.6488 of 2022.*

Respondent No.3 has cleared the payments of the above named 4 Petitioners and has withheld the payments of these 2 Petitioners, by communications dated 17th January, 2023 and 25th January, 2023, for the reason that such type of payment has been prohibited by the Honourable Supreme Court. It is thereafter, that he has made payments to the above mentioned 4 persons in January 2023.

3. *The conduct of Respondent No.3 is obviously contemptuous and according to the Petitioners, he has deliberately not released the amounts of these 2 Petitioners.*
4. *In view of the above, we direct Respondent No.3 to file his personal affidavit explaining why he has selectively implemented the order of this Court and refused to implement the same with regard to these 2 Petitioners. Let such affidavit be filed, on or before 15th April, 2023, failing which we would be constrained to initiate Contempt of Court proceedings against him.*
5. *List these Petitions for passing orders on 20th April, 2023.”*

2. Pursuant to the above, Shri Rajshekhar Swami Reddy, working as the Assistant Accounts Officer, Court Case Cell, in the office of the Accountant General (A&E) II, Maharashtra State, Nagpur, has filed an affidavit on behalf of the Accountant General.

3. We have perused the five pages affidavit in reply. It is stated that as per the letter dated 08.02.2023 from the office of the Government Pleader, High Court of Bombay, Bench at

Aurangabad in Writ Petition No.9659/2022 filed by Vijay Jayram Raut, it was opined that a Special Leave Petition be filed immediately before the Honourable Supreme Court. However, there is no explanation in the affidavit in reply as to why Abdul Mannan Khan Abdul Sattar, Bapusaheb Sambhaji Durpade, Yunus Khan Kadir Khan and Pradeep Prabhakar Rao Vatni Vakil, were favoured by the office of the Accountant General in complying with the directions of this Court and the Petitioners were singled out.

4. In view of the above, neither our order dated 26.08.2022 granting annual increment to these two Petitioners has been challenged before the Honourable Supreme Court, nor have the Respondents initiated any step in pursuance thereof. Keeping in view that the Honourable Supreme Court has recently delivered the judgment on 11.04.2023 in ***The Director (Admn. and HR) KPTCL and others vs. C.P. Mundayamani and others, Civil Appeal No.2471/2023 (@SLP (C) No.6185/2020)***, concluding the law on the point of annual increment and upholding the entitlement of similarly situated Petitioners, the Accountant General, Nagpur, now has no option, but to implement the directions in favour of these Petitioners.

5. In view of the above, **these Writ Petitions are disposed off** with the direction to the Accountant General, Nagpur, as a last chance, to comply with the directions of this Court dated 26.08.2022 by treating these Petitioners equally with Abdul Mannan Khan Abdul Sattar, Bapusaheb Sambhaji Durpade, Yunus Khan Kadir Khan and Pradeep Prabhakarrao Vatni Vakil, within a period of 90 (ninety) days from today.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)