

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.1881 OF 2023

GOVIND GUNDOPANT SONAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND

908 WRIT PETITION NO.1904 OF 2023

NAGESH RAMGOPAL LOHIYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND

910 WRIT PETITION NO.3961 OF 2020

KALYAN MAHALINGAPPA KONALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

911 WRIT PETITION NO.3990 OF 2020

PRATAP GANPATRAO BHANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

912 WRIT PETITION NO.3996 OF 2020

RAJKUMAR SITARAM GANDLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

914 WRIT PETITION NO.1866 OF 2023

DATTATRAY SITARAMJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL

SECRETARY AND OTHERS
AND
916 WRIT PETITION NO.1873 OF 2023

PRAKASH RAMRAO JOSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
917 WRIT PETITION NO.1874 OF 2023

SHAHADEV BABURAO WADMARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
918 WRIT PETITION NO.1875 OF 2023

NARSING VANKATRAO GADGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS
AND
919 WRIT PETITION NO.1876 OF 2023

GAUTAM LAXMANRAO PANDIT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
920 WRIT PETITION NO.1877 OF 2023

AZIMUDDIN YAMIZUDDIN AMBEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
921 WRIT PETITION NO.1878 OF 2023

INDRAJIT SHYAMSING THAKUR

VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
922 WRIT PETITION NO.1879 OF 2023

NARAYAN BHIMRAO NIKAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
923 WRIT PETITION NO.1882 OF 2023

SANJAY SOPANRAO CHAME
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
924 WRIT PETITION NO.1883 OF 2023

DNYANOBA GANPATRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
925 WRIT PETITION NO.1884 OF 2023

VINOD BAJIRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
926 WRIT PETITION NO.1885 OF 2023

RAMAKANT LINGAPPA PUNE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
927 WRIT PETITION NO.1886 OF 2023

ANAND RANGNATHRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
928 WRIT PETITION NO.1887 OF 2023

GOVIND RAMREDDY GUJE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
929 WRIT PETITION NO.1889 OF 2023

PANDIT GULABRAO SHISODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
930 WRIT PETITION NO.1891 OF 2023

MAHAVIR BAJIRAO KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
931 WRIT PETITION NO.1894 OF 2023

LAXMAN EKNATH POPALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
932 WRIT PETITION NO.1895 OF 2023

FULCHAND EKNATHRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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AND
933 WRIT PETITION NO.1896 OF 2023

YUVRAJ VISHWANATH MUMANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
934 WRIT PETITION NO.1897 OF 2023

SITARAM MADHUKAR CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
935 WRIT PETITION NO.1898 OF 2023

JAYWANT DATTATRAY JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
936 WRIT PETITION NO.1900 OF 2023

SHAIKH RAFIQ AHMAD MD KAUSAR
VERSUS
THE STATE OF MAHARASHTRA THROGUH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
937 WRIT PETITION NO.1902 OF 2023

VASANT NAGNATH GADEKAR
VERSUS
THE STATE OF MAHARASHTRA THROGUH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
938 WRIT PETITION NO.1906 OF 2023

SURESH KISHANRAO TANDALE
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
939 WRIT PETITION NO.1907 OF 2023

DILIP GITARAM ANARTHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
941 WRIT PETITION NO.1910 OF 2023

BABASAHEB RAGHUNATH HARKAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
942 WRIT PETITION NO.1911 OF 2023

NARAYAN GANPATRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
943 WRIT PETITION NO.1913 OF 2023

RAM GANGADHAR SAKHARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
944 WRIT PETITION NO.1916 OF 2023

NAMDEO MAHADEORAO CHATE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
945 WRIT PETITION NO.1917 OF 2023

WAMAN RAMRAO SABALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
946 WRIT PETITION NO.1918 OF 2023

CHANDRASHEKHAR MANOHARRAO GHOGARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
947 WRIT PETITION NO.1919 OF 2023

SIDDHARTH PUNDLIK PATODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
948 WRIT PETITION NO.1920 OF 2023

MEGHA MADHUKAR PANGAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
949 WRIT PETITION NO.1921 OF 2023

RAMDAS HARIBHAU GOTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND
950 WRIT PETITION NO.1922 OF 2023

VISHAWAMBHAR SHIVAPPA WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

951 WRIT PETITION NO.1923 OF 2023

GUNDERAO DAULATRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

952 WRIT PETITION NO.1924 OF 2023

KESHARSINH RATANSINH BAGERIYA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

953 WRIT PETITION NO.1925 OF 2023

ARAB AHAMAD TALABSAHEB
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

954 WRIT PETITION NO.1926 OF 2023

PARMESHWAR TATYARAO DAWARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

955 WRIT PETITION NO.1927 OF 2023

SHYAMRAO RAMRAO TAMBOLKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.A.T.Kanawade, Mr.A.N.Sabnis, Mr.S.K.Mathpati, Advocate for the petitioners in respective petitions.

Mr.V.M.Kagne, Mr.P.S.Patil, Mr.S.K.Tambe, Mr.S.G.Sangle, AGP for the respondent/State.

Mr.S.R.Yadav - Lonikar, Advocate for respondent Nos.3 to 6 in WP

No.1876/2023 and WP No.1889/2023.

Mr.B.B.Bhise, Advocate for respondent Nos. 3 to 5 in WP No.1926/23.

Mr.S.B.Ghute, Advocate for respondent Nos. 3 to 6 in WP No.1919/2023 and 1921/2023.

Mr.C.K.Shinde, Advocate for respondent No.3 in WP No.1896/2023.

Mr.S.S.Tope, Advocate for the respondent/Z.P.Jalna in WP No.1916/2023.

Mr.V.C.Patil h/f Mr.U.B.Bondar, Advocate for respondent Nos. 3 to 6 in WP Nos.1875/2023, 1877/2023, 1879/2023, 1882/2023, 1883/2023, 1884/2023, 1885/2023, 1891/2023, 1897/2023, 1902/2023, 1907/2023, 1910/2023, 1913/2023, 1920/2023, 1922/2023, 1923/2023, 1927/2023.

Mr.S.B.Pulkundwar, Advocate for respondent Nos. 3 to 7 in WP No.1873/2023, and for respondent Nos. 3 to 6 in WP Nos. 1887/2023 and 1918/2023.

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

DATE : FEBRUARY 16, 2023

PER COURT :

1. In all 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 one day after their superannuation.

2. This issue has been considered and decided by this Court [Coram : Ravindra V. Ghuge & Avinash G. Gharote, JJ.] by order dated 24th June, 2021 in Writ Petition No.6396 of 2020 filed by ***Prakash***

Tulshiram Chaudhari Vs. State of Maharashtra and others. This order was assailed by the State of Maharashtra before the Hon'ble Supreme Court of India in Special Leave to Appeal (C) No. 206 of 2022. The Hon'ble Apex Court [Coram : Hon'ble Mr. Justice S. Abdul Nazeer & Hon'ble Mr. Justice Krishna Murari] passed an order on 12.01.2022 concluding as under:-

“We are not inclined to interfere with the impugned order. The Special Leave Petition is, accordingly, dismissed.

Pending application also stands disposed of.”

3. This Court had referred to the conclusions arrived at by the learned Division Bench of the Madras High Court on 15.09.2017 in Writ Petition No.15732/2017 filed by **P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others**, in the order dated 24.06.2021 and had concluded as under:-

3. The petitioner has raised a very short issue before us. His retirement fell on 30.06.2019 and had he retired on 01.07.2019, he would have been entitled for annual increment as is provided under Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. Considering this provision, the Government of Maharashtra revised the Maharashtra Civil Services (Revised Pay) Rules, 2009 and

brought uniformity in the payment of annual increments. There is no dispute that the petitioner had worked up to 30.06.2019. He has thus, completed one year prior to his retirement. He would be entitled for an annual increment, but for the fact that the Rules prescribed that he would be entitled to such increment if he has worked on 01.07.2019, when it became payable.

4. *The issue raised in this petition has been squarely covered by the judgment delivered by the learned Division Bench of the Madras High Court on 15.09.2017 in Writ Petition No.15732/2017 filed by **P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others.** The facts in the case before the Madras High Court were set out in paragraphs 5 and 6 and the Madras High Court drew its conclusions in paragraph 7 and allowed the petition. Paragraphs 5 to 7 read as under :-*

“5. The petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e. from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A.No.310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the

same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day.

6. *In the case on hand, the petitioner got retired on 30.06.2013. As per the Central Civil Services (Revised Pay) Rules, 2008, the increment has to be given only on 01.07.2013, but he had been superannuated on 30.06.2013 itself. The judgment referred to by the petitioner in State of Tamil Nadu, rep.by its Secretary to Government, Finance Department and others v. M.Balasubramaniam, reported in CDJ 2012 MHC 6525, was passed under similar circumstances on 20.09.2012, wherein this Court confirmed the order passed in W.PNo.8440 of 2011 allowing the writ petition filed by the employee, by observing that the employee had completed one full year of service from 01.04.2002 to 31.03.2003, which entitled him to the benefit of increment which accrued to him during that period.*

7. *The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."*

5. *The judgment of the Madras High Court in*

P.Ayyamperumal (supra) was carried in Special Leave Petition (Civil) Diary No.22283/2018. By order dated 23.07.2018, the Honourable Supreme Court dismissed the said Special Leave Petition.

6. There is no dispute that Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 is identical to the amended Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008 in relation to the uniformity in annual increments.

7. Considering the above, this Writ Petition is allowed. As the petitioner is superannuated on 30.06.2019, we hold that he would be entitled to the last annual increment, which he has been deprived of and the respondents shall, accordingly, calculate the said monetary benefits expeditiously so as to be paid to the petitioner on or before 30.09.2021. So also, as the grant of this annual increment would affect his pension, gratuity, earned leave, commutation benefits, etc., the respondents would recalculate the same and make the payment of arrears on or before 30.09.2021 and shall ensure that the revised pension is also paid to the petitioner accordingly.

4. In all these matters, all these petitioners have superannuated on the 30th day of June of the 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 increment	Date of Superannuation /Retirement
1.	WP No. 1881/2023 (Solapur)	Govind Gundopant Sonar	13.07.1971	01.07.2006	30.06.2007
2.	WP No. 1904/2023 (Beed)	1. Nagesh Ramgopal Lohiya	15.02.1985	01.07.2018	30.06.2019
		2. Saheb Laxmanrao Musle	07.05.1986	01.07.2020	30.06.2021
		3.Vilas Vithalrao Zirmire	04.06.1983	01.07.2018	30.06.2019
		4. Prabhu Limbajirao Gitte	08.11.1982	01.07.2017	30.06.2018
		5. Baburao Narayan Raut	02.08.1984	01.07.2017	30.06.2018
		6. Chandrakant Nagnathappa Thonte	07.05.1986	01.07.2020	30.06.2021
		7. Ramling Kashinath Mule	03.06.1983	01.07.2018	30.06.2019
		8. Narayan Namdev Dange	10.06.1983	01.07.2019	30.06.2020
		9. Guruling Vaijnath Mule	02.06.1983	01.07.2018	30.06.2019
		10. Ramesh Pandurang Deshmukh	08.11.1982	01.07.2018	30.07.2019
3.	WP No. 3961/2020	1. Kallyan Mahalingappa Konale	15.01.1985	01.07.2017	30.06.2018
		2. Rajendra Zatingrao Gaikwad	16.01.1985	01.07.2017	30.06.2018
		3. Ashok Govindrao Nanajkar	09.04.1986	01.07.2017	30.06.2018
		4. Ambadas Bapurao	18.08.1983	01.07.2017	30.06.2018

		Suryawanshi			
		5. Dilip Atmaram Rathodkar	01.12.1989	01.07.2017	30.06.2018
4.	WP No. 3990/2020	1. Pratap Ganpatrao Bhande	24.02.1986	01.07.2016	30.06.2017
		2. Sitaram Pandurang Rajure	24.02.1986	01.07.2015	30.06.2016
		3. Shaikh Ismail Shaikh Ibrahim	16.01.1985	01.07.2015	30.06.2016
5.	WP No. 3996/2020	1. Rajkumar Sitaram Gandle	18.01.1985	01.07.2018	30.06.2019
		2. Keshav Ganpatrao Solanke	01.08.1983	01.07.2018	30.06.2019
6.	WP No. 1896/2023	Yuvraj Vishwanath Mumane	28.08.1989	01.07.2020	30.06.2021
7.	WP No. 1866/2023	Dattatraya Sitaramji Gaikwad	25.08.1990	01.07.2020	30.06.2021
8.	WP No. 1873/2023	Prakash Ramrao Joshi	08.04.1986	01.07.2015	30.06.2016
9.	WP No. 1874/2023	Shahadev Baburao Wadmare	10.12.1986	01.07.2020	30.06.2021
10.	WP No. 1875/2023	Narsing Vankatrao Gadge	23.12.1983	01.07.2020	30.06.2021
11.	WP No. 1876/2023	Gautam Laxmanrao Pandit	02.01.1986	01.07.2019	30.06.2020
12.	WP No. 1877/2023	Azimuddin Tamizuddin Ambekar	03.08.1982	01.07.2014	30.06.2015
13.	WP No. 1878/2023	Indrajit Shamsing Thakur	23.01.1984	01.07.2018	30.06.2019
14.	WP No. 1879/2023	Narayan Bhimrao Nikam	01.11.1984	01.07.2019	30.06.2020
15.	WP No. 1882/2023	Sanjay Sopanrao Chame	01.07.1989	01.07.2020	30.06.2021
16.	WP No. 1883/2023	Dnyanoba Ganpatrao Gaikwad	06.11.1973	01.07.2008	30.06.2009
17.	WP No. 1884/2023	Vinod Bajirao Shinde	01.08.1989	01.07.2020	30.06.2021
18.	WP No. 1885/2023	Ramakant Lingappa Pune	22.02.1985	01.07.2021	30.06.2022
19.	WP No. 1886/2023	Anand Rangnathrao Jadhav	01.07.1989	01.07.2020	30.06.2021
20.	WP No. 1887/2023	Govind Ramreddy Guje	21.01.1988	01.07.2019	30.06.2020
21.	WP No. 1889/2023	Pandit Gulabrao Shisode	30.07.1984	01.07.2019	30.06.2020
22.	WP No. 1891/2023	Mahavir Bajirao Kshirsagar	04.04.1979	01.07.2015	30.06.2016

23.	WP No. 1894/2023	Laxman Eknath Popale	23.09.1992	01.07.2021	30.06.2022
24.	WP No. 1895/2023	Fulchand Eknathrao Jadhav	14.08.1986	01.07.2017	30.06.2018
25.	WP No. 1897/2023	Sitaram Madhukar Chavan	10.12.1981	01.07.2019	30.06.2020
26.	WP No. 1898/2023	Jaiwant s/o Dattatray Jadhav	01.08.1992	01.07.2019	30.06.2020
27.	WP No. 1900/2023	Shaikh Rafikh Ahmed Moh.Kausar	01.07.1991	01.07.2021	30.06.2022
28.	WP No. 1902/2023	Vasant Nagnath Gadekar	12.02.1988	01.07.2020	30.06.2021
29.	WP No. 1906/2023	Suresh Kishanrao Tandale	08.07.1991	01.07.2020	30.06.2021
30.	WP No. 1907/2023	1. Dilip Gitaram Anarthe	05.03.1982	01.07.2019	30.06.2020
		2. Prakash Eknath Bargal	02.11.1984	01.07.2019	30.06.2020
		3. Balu Narhari Warkad	08.10.1984	01.07.2019	30.06.2020
31.	WP No. 1910/2023	Babasaheb Raghunath Harkal	08.01.1986	01.07.2021	30.06.2022
32.	WP No. 1911/2023	Narayan Ganpatrao Kulkarni	03.12.1988	01.07.2012	30.06.2013
33.	WP No. 1913/2023	Ram Gangadhar Sakhare	22.02.1985	01.07.2020	30.06.2021
34.	WP No. 1916/2023	Namdeo Mahadeorao Chate	03.08.1982	01.07.2019	30.06.2020
35.	WP No. 1917/2023	Waman Ramrao Sabale	01.08.1979	01.07.2011	30.06.2012
36.	WP No. 1918/2023	Chandrashekhar Manoharrao Ghogare	02.08.1989	01.07.2020	30.06.2021
37.	WP No. 1919/2023	Siddharth Pundlik Patode	14.11.1987	01.07.2020	30.06.2021
38.	WP No. 1920/2023	Megha Madhukar Pangal	17.09.1985	01.07.2019	30.06.2020
39.	WP No. 1921/2023	Ramdas Haribhau Gote	12.12.1990	01.07.2020	30.06.2021
40.	WP No. 1922/2023	Vishwambhar Shivappa Wankhede	18.07.1991	01.07.2019	30.06.2020
41.	WP No. 1923/2023	Gunderao Daulatrao Gaikwad	01.03.1992	01.07.2020	30.06.2021
42.	WP No. 1924/2023	Kesharsinh Ratansinh Bageriya	06.08.1985	01.07.2017	30.07.2018
43.	WP No. 1925/2023	Arab Ahemad Talebsab	11.06.1990	01.07.2019	30.06.2020
44.	WP No.	Parmeshwar	29.09.1993	01.07.2021	30.06.2022

	1926/2023	Tatyarao Daware			
45.	WP No. 1927/2023	Shyamrao Ramrao Tambolkar	24.07.1991	01.07.2020	30.06.2021

5. It is undisputed that the recommendations under the 6th Pay Commission altered the date on which the annual increment would have become payable, which was normally payable after 12 months in continuous service preceding the date of reference and fixed the 1st day of July of each year. Prior thereto, the employees like these petitioners used to earn their annual increment by calculating 12 calendar months from the dates of their appointments for each succeeding year. As such, the reference period of 12 months for calculating the annual increment, was a period of 12 calendar months in each succeeding year from the date of appointment. For example, if person 'A' was appointed on 1st March, 2000, he would complete 12 months in employment on 28th February 2001. He, therefore, earned his annual increment on 1st March, 2001 for the work already done in the 12 calendar months preceding 1st March. This was the pattern of earning annual increments after 12 months in employment, in each year.

6. By the recommendations of the 6th Pay Commission, uniformity was decided to be introduced and 1st of July of each year was

considered to be the date on which the annual increment, for having worked for 12 calendar months preceding 1st July, would be payable. Consequentially, for the work performed in 12 calendar months till 30th June, the said employee would earn the annual increment on 1st July of the said year. It is in these peculiar circumstances that, these petitioners are before us, after having superannuated on 30th June of their respective year set out in the chart. For example, if person 'A' had retired on 30th June, 2021, he would have earned the annual increment which became payable to him on 01.07.2021. As he superannuated on 30th June, 2021, he was not granted the notional benefit of the increment which would have been payable to him on 01.07.2021 for the work performed from 01.07.2020 to 30.06.2021.

7. It is, in this circumstances, we found that the judgment delivered by the learned Division Bench of the Madras High Court in *P Ayyamperumal* (supra) was the correct legal position. We delivered an order on 24th June, 2021 in **Prakash Tulshiram Chaudhari** (supra). The judgment of the Madras High Court in *P Ayyamperumal* (supra) was challenged by the **Union of India and others in Special Leave Petition (Civil) Diary No.22283/2018**. By order dated 23.07.2018, the Hon'ble

Supreme Court declined to interfere with the impugned judgment of the Madras High Court and dismissed the Special Leave Petition. Similarly, to the challenge to our order dated 24th June, 2021 in ***Prakash Tulshiram Chaudhari*** (supra), the Hon'ble Supreme Court dismissed the Special Leave Petition on 12.01.2022.

8. In view of the above, these Writ Petitions are allowed.

9. Considering the dates of superannuation of these petitioners as being 30th June of the respective years, we hold that the increment payable to them on 1st July of the concerned year, after 2006, would be reckoned with for notionally calculating the pensionary benefits, which would have been payable to them from 1st July, but for their superannuation on 30th of June. This notional inclusion of the annual increment would be considered for re-calculating their pension, gratuity, earned leave, commutation benefits, etc.

10. The learned Advocates for the petitioners have prayed for entire arrears from their dates of superannuation. The chart referred to in paragraph 4 indicates that the petitioners have superannuated in different years, from 2006 onwards.

11. It is quite apparent that the judgment delivered by the Madras High Court in P.Ayyamperumal (supra), became a cause for these petitioners to approach this Court. None of them had challenged the non-inclusion of the annual increment in their pensionary benefits for calculation purposes, when they superannuated on 30th June of a particular year. As the judgment delivered in P. Ayyamperumal (supra) became known to all, that these petitioners have approached this Court.

12. Considering these aspects, we are of the view that the arrears of such benefits as granted by us in paragraph 9 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the dates of their writ petitions or as per actuals, whichever is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, within 120 days.

13. We find that ever since the Madras High Court has delivered the judgment in **P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others**, dated 24.06.2021, similar matters were being filed

all over India in different State High Courts. Before this Court [Coram : Ravindra V. Ghuge and A.G.Gharote, JJ.] Writ Petition No.6396/2020 filed by **Prakash Choudhary Vs. The State of Maharashtra and others** was decided by order dated 24.06.2021. This order was sustained by the Hon'ble Supreme Court in the Special Leave to Appeal (Civil) No.206/2022 filed by the State of Maharashtra and by order dated 12.01.2022, and the SLP was dismissed.

14. Pursuant to the above, there have been hundreds of cases filed in this Court and we have been repeatedly passing identical orders in all such cases. Though there is a judicial pronouncement by interpreting the Law applicable, in the peculiar facts of such cases, neither the establishments are initiating steps to dig out such remaining cases of employees who have not approached the High Court, nor are they appealing to the retired employees to come forward and apply for such benefits. If either of these is done, the litigants like these petitioners would be saved of spending time, energy and money. Filing identical cases for different employees day in and day out, not only increases the litigation pressure on the Court, but also on the lawyers. Moreover, pensioners who are senior citizens and who have retired a decade or 15

years ago, are also required to file such petitions before the High Court.

We, therefore, find it appropriate to order as under :-

[a] We direct the Chief Secretary of the State of Maharashtra and Principal Secretary (Finance Department), State of Maharashtra, to issue appropriate directions to all the concerned departments to appeal to such candidates, who fall in such category having retired on 30th June of the particular years and who have earned the annual increment on account of performing work for 12 months ending on 30th June, to tender their applications to the concerned Authorities.

[b] After such applications are received, the concerned authorities would grant the reliefs as are being granted by the various High Courts by restricting the arrears of payments to 3 years preceding the dates of the applications or preceding the date of actual retirement as per actuals, whichever is less. With these guidelines, the concerned authorities shall not reject a single application if it fits into the parameters of the judgments delivered by this Court.

[c] In the alternative, let the concerned authorities suo-moto dig out such cases and after scrutinizing the same as regards their entitlement, proceed to grant the benefits as per the judgments of this court, within 120 days.

[d] While undertaking the above exercise, the gratuity/pay fixation/pension will be re-calculated, so as to be paid to the candidates with arrears as directed above.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)