

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 7363 OF 2023

GULAB RAMRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Murge Estling S.
AGP for Respondents : Mr. S.K. Tambe
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 05 JULY 2023

PER COURT (PER : SHAILESH P. BRAHME, J.) :

Heard learned counsel for the parties for final disposal of this petition.

2. The petitioner is claiming notional increment which is payable on the 1st July and the consequential benefits.

3. The petitioner was appointed as an 'Assistant Teacher' on 01 August 1988. He attained the age of superannuation on 30 June 2013. He claims that he is entitled to notional increment which was falling due after the superannuation.

4. The issue is well settled in the following judgments :

i. *P. Ayyamperumal Versus The Registrar Central Administrative Tribunal and others, decided by Division Bench of Madras High Court on 15 September 2007 in Writ Petition No. 15732 of 2017;*

ii. *Prakash Tulshiram Chaudhari Versus Versus State of Maharashtra and others, decided by the Division Bench by order dated 24 June 2021, in Writ Petition No. 6396 of 2020;*

iii. *Director (Admn. and HR) KPTCL and others Versus C.P. Mundinamani and others, AIR ONLINE 2023 SC 275.*

4. There is no dispute that he has rendered service for a year preceding the superannuation. The petitioner has earned the increment. He is entitled to annual increment.

5. Learned AGP refers to circular dated 28 June 2023, to restrict the claim of the revision of pension and its arrears for three years preceding the date of superannuation. We deem it appropriate to restrict the consequential relief for three years preceding the date of superannuation.

6. Therefore, we allow this petition in the following terms :

i. The respondent shall confer notional increment and consequential benefits to the petitioner preferably within a period of two months.

ii. The petitioner shall be entitled to the revision of retiral benefits and the arrears for three years

preceding the date of superannuation i.e. 30 June 2013.

iii. No order as to costs.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/