

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO.8092 OF 2021

SADHANA PRAKASH RISBUD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.R.Syed h/f Mr.S.PBrahme, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for the respondent/State.
Mr.Mohit S.Shah, Advocate for respondent No.4.

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

DATE : JANUARY 12, 2023

PER COURT :

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

2. The petitioner was appointed as an "Assistant Teacher" with respondent No.4 in the year 1988 and has superannuated on 30.06.2016.

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 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, this petition is partly allowed.

5. The petitioner is entitled to the notional addition of the last yearly increment for the purpose of calculating her pension, gratuity, earned leave, commutation benefits etc. In so far as arrears of the benefits are concerned, the petitioner would be entitled for the same for a period of three years preceding the date of filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioner, on or before 31.03.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)