

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO.12689 OF 2023

Vitthal s/o Ranga Tope

....Petitioner

Versus

The State of Maharashtra
and Others

...Respondents

...

Advocate for the Petitioner : Mr. A. N. Nagargoje h/f
Mr. R. K. Shinganapure

AGP for Respondents-State : Mrs. R. P. Gour

...

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ.
& ARUN R. PEDNEKER, J.**

DATE : 13th OCTOBER, 2023.

P.C. :

1. Heard the learned Counsel representing the petitioner and the learned AGP representing respondents No.1 to 3-State.

2. The grievance of the petitioner is that the petitioner has not been provided the actual benefits available to him in terms of the order dated 11/06/2009 passed by the

Executive Engineer concerned which is available at pages 31 and 32 of the writ petition. It has been submitted that earlier the actual benefit emanating from the said order dated 11/06/2009 was deferred, however the State Government issued a Government Resolution dated 24/08/2017 whereby it was provided that the benefit of advance increments will not be made available. The Government Resolution dated 24/08/2017 became subject matter of consideration by this Court in several writ petitions which have been decided by holding that the said Government Resolution will have no application in case of those who have been granted benefit of certificate of excellent work prior to the date of the said Government Resolution dated 24/08/2017. One such Judgment is dated 25/01/2019 passed by a Co-ordinate Bench of this Court in a bunch of writ petitions leading Writ Petition being Writ Petition No.1954 of 2018. Thereafter, several other writ petitions have been disposed of in terms of the said order which have been enclosed with the writ petition.

3. Admittedly, in respect of the petitioner, earlier the order was passed for providing benefit of advance increment

on 11/06/2009 which is much prior to issuance of the Government Resolution dated 24/08/2017. Thus the Government Resolution dated 24/08/2017 will have no application so far as the claim of the petitioner for grant of advance increment is concerned which emanates from the order dated 11/06/2009.

4. In view of the aforesaid, we allow the writ petition and direct the respondent No.6 i.e. the Superintendent Engineer concerned to consider and grant the claim of the petitioner in view of the observations made hereinabove. The said consideration shall be made and final decision shall be taken in terms of this order within a period of three months from date of certified copy of this order is produced before him.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)