

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 WRIT PETITION NO.8523 OF 2023

MAHADEO SHRIRANG GANGARDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for Petitioner : Ms. Zaware Suvarna M.
AGP for Respondents State: Mr. S. G. Karlekar
Advocate for Respondents 5 & 6 : Mr. P. P.Kothari

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 14th September, 2023

ORDER:

1. The learned Advocates for the Petitioner places reliance upon a recent order passed by the Co-ordinate Bench dated 19.09.2022 in Writ Petition No.3938/2021. He, therefore, submits that, for the reasons and the conclusions set out in the order dated 19.09.2022, this petition can also be disposed off.

2. The learned Advocates for the Respondents agree, but with a caveat that the case of the Petitioner would be scrutinized by respondent Nos. 2 and 3 and upon assessing the eligibility of the Petitioner, he would be granted the benefits within 8 weeks from today.

3. In view of the above, **this Petition is partly allowed.** The Respondents/Zilla Parishad are at liberty to verify the case of the

Petitioner as regards his eligibility for the grant of advanced/additional increment in the light of the GR dated 31.10.1989. Needless to state, if the Petitioner is found to be eligible, he would be paid his legal dues within 8 weeks from today. In the event, the Petitioner is found to be ineligible, a reasoned order would be passed setting out the adverse circumstances and such order shall be served upon the Petitioner within a period of 3 weeks from the date of the order. The Petitioner would then be entitled to challenge the said order by availing of a remedy, as is permissible in Law.

4. In the event the Petitioner is found entitled under the GR dated 31.10.1989 and was never paid till the date of the GR dated 24.08.2017 was introduced, he would be entitled for entire arrears with admissible interest.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan