IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14497 OF 2023

RAGHUNATH TUKARAM PUJARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. D. G. Kamble, Advocate for Petitioner
Mr. P. S. Patil, AGP for Respondent – State
Mr. Sandeep Sontakke, Advocate h/f Mr. S. N. Janakwade, Advocate for Respondent No.3

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

DATE : 28.11.2023

PER COURT :-

1. The Petitioner retired on 30.06.2015. The annual increment for putting in service of 12 months from 01.07.2014 to 30.06.2015 was due and payable after he completed the said year of service. Coincidentally, he has superannuated after working hours on 30.06.2015.

2. This issue is no longer *res-integra.* The Hon'ble Supreme Court has delivered the judgment on 11.04.2023 in Civil Appeal No.2471 of 2023 ***(The Director (Admn. And HR), KPTCL and others vs. C. P. Mundinamani and others, AIR 2023 SC 1956).***

Based on the said judgment, the Government of Maharashtra has issued the Government Resolution dated 28.06.2023. This has cleared the path for all such claimants.

3. The learned AGP submits that the Petitioner has belatedly filed this Petition and he cannot seek interest on the amounts payable.

4. Akin to the orders passed by this Court in identical set of facts, the Petitioner would be entitled for the monetary benefits only for the period of three years preceding the date of the filing of the Petition i.e. 12.07.2023.

5. With the above directions, **this Petition is partly allowed**. The Petitioner is entitled to the notional addition of the last yearly increment for the purpose of calculating his pension, gratuity, earned leave, commutation benefits, etc. Insofar as arrears of the benefits are concerned, the Petitioners would be entitled for the same for a period of three years preceding the date of the 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 31.03.2024.

[Y. G. KHOBRAGADE, J.] **[RAVINDRA V. GHUGE, J.]**

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