

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12159 OF 2022
(Rajendra Ambadas Khedkar and others Vs. The State of Maharashtra
and others)
WITH
WRIT PETITION NO.12232 OF 2022
(Dattatray Ravsaheb Nilkanth and another Vs. The State of Maharashtra
and others)

Mr.Rekha M.Mohale Choudhari, Advocate for the Petitioners.
Mr.S.P.Tiwari, Mr.S.K.Tambe, AGP for the Respondents/State.
Mr.P.D.Suryawanshi, Advocate for Respondent Nos. 5 and 6.

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

DATE : MARCH 30, 2023

PER COURT :

1. In all these matters, it is contended that the Petitioners are identically placed. All of them desire that the GR dated 24.08.2017 be interpreted to mean that the said GR will have prospective effect and will not be applied retrospectively.

2. The common issue in these petitions is as regards grant of an advance increment for excellent work. The said benefit, which was introduced for the first time by the GR dated 20.06.1989 and continued

by subsequent GRs', was brought to an end with the introduction of 7th pay commission recommendations, Hakim Recommendations and the GR dated 24.08.2017.

3. In view of the above, these petitions are disposed off with the following directions :-

[a] The respective Zilla Parishads / concerned authorities would accord the benefit of advance increment to the Petitioners as per the policy of the State vide Government Resolutions dated 11.02.1974 and 31.10.1989, in view of the 6th pay commission recommendations, without giving effect to the circular dated 03.07.2009 and Government Resolution dated 24.08.2017. It is well settled that the Government Resolution dated 24.08.2017 will have prospective effect. If such payments have been made earlier, there is no question of recovery of the amounts.

[b] These Petitioners would tender their individual affidavit-undertaking to the respective Zilla Parishads / concerned authorities stating therein that if the Review Petitions are allowed and if it is finally concluded that these Petitioners are not entitled to the benefits received by them, the said amounts would be refunded within four weeks to the

respective Zilla Parishads / concerned authorities from the date of such order.

[c] In the event of there being any recovery already carried out against any of the Petitioners, we direct the concerned Zilla Parishads / authorities to repay the said amounts to such Petitioners within a period of six weeks from today, failing which, the amounts shall carry interest at the rate of 6% per annum from the date of recovery and the interest component shall be paid from the salary account of the Officers, who may be responsible for the delay in such refund.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)