

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 WRIT PETITION NO.1317 OF 2023

POPAT PANDHARINATH WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER

.....
Advocate for Petitioners : Mr. Ishwar K. Wagh h/f Mr. V. Y. Patil
AGP for Respondent No.1: Mr. S.G. Sangle
Advocate for Respondent No.2 : Mr. C.K. Shinde
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th FEBRUARY, 2023.**

PER COURT :-

1. The petitioners have put forth prayer clause (B) as under : -

“B) To quash and set aside the Government Resolution dated 24.08.2017 and the respondent No.2 may further kindly be directed to pay consequential benefits of advance increments which are sanctioned to the petitioners by issuing writ of mandamus or any other writ or order.”

2. The issue raised in this petition is no longer *res integra*. Vide order dated 14.11.2019 in Writ Petition No. 13760 of 2019, this Court had concluded that the circular dated 14.12.2006 would continue to apply until the G.R. dated 24.08.2017, which would apply prospectively and cannot be granted a retrospective effect. Consequent to the above, review applications were filed and by

judgment and order dated 30.08.2022 in review application no. 170 of 2022 and other connected applications, this Court had concluded that there was no merit in the review. With a reasoned order, the review applications were dismissed and it was concluded that though the increments have been discontinued vide G.R. dated 24.08.2017, they cannot be denied retrospectively from 2006 onwards.

3. In view of the above, this petition is partly allowed.

4. In the event, no increments have been paid to the petitioners from the date of their eligibility till the introduction of the G.R. dated 24.08.2017, the petitioners would be entitled to such increments.

5. Needless to state, the employer shall carry out the verification exercise and after considering the record and upon finding that the petitioners were eligible for these increments, shall make such payment, expeditiously and preferably on or before 31.05.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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