

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

85 WRIT PETITION NO.442 OF 2023

BABAN NARAYAN FULARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Upadhyaya Dhongade Suchita S.
AGP for Respondents/State : Mr. S.G. Karlekar
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 17th January, 2023

PC. :-

1. The petitioner has put forth prayer clauses (B) and (C) as under : -

“B) By issuing writ of Mandamus or any appropriate writ, order or direction in like nature, to direct the respondents to grant advance increments to petitioner for excellent work on the basis of Confidential reports in view of the orders of this Hon’ble Court in Writ Petition No.9591/2019 on dated 06th September, 2022.

C) Direct the respondents to decide the application of applicant dated 28.12.2020 on merit”

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 till 23.08.2017 and the

G.R. dated 24.08.2017 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 petitioner from the date of his eligibility till the introduction of the G.R. dated 24.08.2017, the petitioner 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 petitioner was eligible for these increments, shall make such payment, expeditiously and preferably before 31.03.2023.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]