

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.13652 OF 2023

**BALAJI VITHALRAO LONIKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for the Petitioners : Shri Deshpande Abhishek C.
AGP for Respondents 1, 2, 3 and 7/State : Shri V.M. Kagne
...

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

DATE :- 01st November, 2023

Per Court :-

1. All these Petitioners have retired on 30.06.2008/
30.06.2010 / 30.06.2011, respectively. Increments payable to
them on completion of twelve months service on 30th June of the
particular year, were not paid to them.

2. This issue is no longer res-integra. The Honourable
Supreme Court has delivered the judgment on 11.04.2023 in
Civil Appeal No.2471/2023 (*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 Advocate for the Petitioners submits, on instructions, that as these Petitioners have approached this Court after about 11 to 14 years, they would not claim interest on monetary benefits beyond three years preceding the date of filing of this Petition. The said statement is recorded.

4. In view of the above, **this Writ Petition is partly allowed**. The Petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their 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 Petitioners, on or before 29th February, 2024.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)