

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.455 OF 2023
WITH WP/461/2023 WITH WP/456/2023 WITH WP/458/2023 WITH
WP/457/2023 WITH WP/459/2023 WITH WP/460/2023

RAMESH BALAJI THORAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Sandeep B.Sontakke, Advocate for the petitioners.
Mr.S.G.Sangle, AGP for the respondent/State.
Mr.Ajit Kadethankar, Advocate for respondent No.4 in WP
No.457/2023.

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

DATE : JANUARY 12, 2023

PER COURT :

1. In all these petitions, the issue that has been raised by the petitioners is as regards the notional addition of an annual increment, while computing their pension and pensionary benefits. Such increment became due and payable on the last day before their superannuation, on completion of one year service.

2. All these petitioners have superannuated on the 30th day of June of a particular year, as they were due for superannuation. For the sake

of clarity, the names of the petitioners and their dates of superannuation are mentioned in a chart hereunder :-

Name of the petitioners, initial date of their appointments,
Date of last increment & Date of superannuation of petitioners

Sr. No	W.P.No.	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation /Retirement
1.	455/2023	Ramesh Balaji Thorat	26.07.1982	01.07.2019	30.06.2020
2.	456/2023	Deelipkumar Sakham Mahajan	26.12.1977	01.07.2015	30.06.2016
		Shyamsundar Satwaji Gadewad	26.02.1981	01.07.2018	30.06.2019
		Chandrashekhar Mallikarjun Swami	25.01.1982	01.07.2018	30.06.2019
		Shriraj Vyankati Bhaware	19.04.1985	01.07.2019	30.06.2020
		Suresh Vithalrao Govande	08.04.1985	01.07.2020	30.06.2021
		Bhanudasrao Raybhan Kakade	01.06.1985	01.07.2015	30.06.2016
		Chandrakant Raghoba Harke	07.04.1980	01.07.2016	30.06.2017
		Mohammad Abdul Fahim Mohammad Abdul Rahim	01.01.1982	01.07.2016	30.06.2017
		Datta Narayanrao Patange	25.01.1982	01.07.2019	30.06.2020
		Abdul Samad Abdul Halim	18.06.1981	01.07.2017	30.06.2018
		Munjaji Murlidharrao Mahavalkar	26.02.1981	01.07.2014	30.06.2013
		Vasishta Vishwambharrao Kolhe	10.11.1982	01.07.2018	30.06.2019
		Dajiba Taterao Kolhe	31.07.1978	01.07.2017	30.06.2018
		Madhav Manikrao Bhoskar	16.06.1979	01.07.2010	30.06.2011
		Shaikh Rahim Shaikh Chand	15.02.1982	01.07.2020	30.06.2021
		Satish Gajananrao Bagle	25.01.1982	01.07.2020	30.06.2021
		Dattatray Panditrao Ambekar	05.10.1982	01.07.2016	30.06.2017
		Vasant Fakira Rathod	23.02.1982	01.07.2018	30.06.2019
		Maroti S/o Mahadji Pawar	15.04.1985	01.07.2019	30.06.2020
		Madhukar Vishwanath Borde	13.01.1983	01.07.2020	30.06.2021
		Prabhakar Vitthalrao Wakle	08.11.1982	01.07.2020	30.06.2021
		Abdul Waheed Abdul Rab	16.02.1981	01.07.2018	30.06.2019
		Arun Vishnupant Joshi	23.07.1984	01.07.2018	30.06.2019

		Arsallah Khan Abdul Majeed Khan	16.05.1981	01.07.2016	30.06.2017
		Mohammad Jamshid Jilani Shaikh	08.07.1981	01.07.2016	30.06.2017
		Vasant Kalidasrao Pathak	11.03.1981	01.07.2016	30.06.2017
		Parasram Kisan Yadao	01.07.1985	01.07.2012	30.06.2013
		Shameem Mohammed Khairoddin Qureshi	16.05.1981	01.07.2011	30.06.2013
		Ratnakar Uttamrao Joshi	27.02.1986	01.07.2012	30.06.2013
		Shabbir Ahmed Khan	08.10.1979	01.07.2015	30.06.2016
		Balasaheb Dadadeo Joshi	03.05.1978	01.07.2014	30.06.2015
		Asaram Narayanrao Kate	03.01.1981	01.07.2020	30.06.2021
		Prakash Mohandasrao Sonawane	31.12.1983	01.07.2020	30.06.2021
		Padmakar Shriramrao Kodgire	07.05.1984	01.07.2021	30.06.2022
		Rangnath Dnyanoba Bhujbal	25.10.1983	01.07.2021	30.06.2022
3.	457/2023	Bharat Manoharrao Tammewar	06.03.1986	01.07.2018	30.06.2019
4.	458/2023	Shaikh Yakub Mohammed Sharif	24.08.1983	01.07.2015	30.06.2016
5.	459/2023	Ratnakar s/o Laxman Kalegaonkar	25.05.1984	01.07.2016	30.06.2017
		Dattatraya s/o Mariba Kamble	25.05.1987	01.07.2017	30.06.2018
6.	460/2023	Dipak Tarachand Patil	10.12.1982	01.07.2016	30.06.2017
7.	461/2023	Gulabrao Ratan More	23.11.1973	01.07.2012	30.06.2013
		Mohan s/o Dhonduji Tayade	05.12.1969	01.07.2006	30.06.2007

3. The issue raised is no longer *res integra*, having been concluded by the Madras High Court vide judgment dated

15.09.2017, in WP No.15732/2017, filed by P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others, which judgment has been sustained by the Hon'ble Supreme Court vide order dated 23.07.2018, in Special Leave Petition (Civil) Diary No.22283/2018. Even this Court has passed several orders granting such benefits, which have been sustained by the Hon'ble Supreme Court.

4. In view of the above, these petitions are partly allowed.

5. 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. In so far 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 filing of these petitions or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners, on or before 31.03.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)