

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

44 WRIT PETITION NO.13237 OF 2022

DHARMAYYA MANKALI NARMALA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS CHIEF SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Vivek U. Rathod.
AGP for Respondent/State: Mr. S. G. Sangle.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 02nd January, 2023.

Per Court:

1. In this petition, 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. These petitioners have superannuated on the 30th day of June of the particular year, as they were due for superannuation. The names of the petitioners and their dates of superannuation are mentioned in the charts annexed at Exhibit A in this petition, which reproduced hereunder :-

अ.क्र	सेवानिवृत अंमलदार यांचे नाव	हुद्दा	सेवा निवृत दिनांक
१	जळबा पिराजी गायकवाड	सपोउपनि	३१.१२.२०२१
२	शेख इब्राहिम शेख इसाक	सपोउपनि	३०.०६.२०२२
३	भागवत एकनाथ दहिफळे	पोह	३०.०६.२०२२
४	श्रीमती सुमन अशोकराव सोनकांबळे	सपोउपनि	३०.०६.२०२०
५	राहुल देवराव अहिरराव	पोह	३०.०६.२०१७
६	धर्मया मंकाली नरमाला	सपोउपनि	३०.०६.२०१७
७	रंगनाथ श्रीरंगराव पाटील	पोह	३०.०६.२०१८
८	ब्रम्हदेव अंकुश मोरे	पोना	३०.०६.२०२१
९	जानकीराम रामा पकाने	पोह	३०.०६.२०१७
१०	तोफीक अली शौकत अली	सपोउपनि	३०.०६.२०१७
११	अशोक बालकिसन गावंडे	सपोउपनि	३०.०६.२०२०
१२	मुरलीधर दत्तात्रय महाजन	सपोउपनि	३०.०६.२०२०
१३	निजामोदीन गुलाम दस्तगिर शेख	सपोउपनि	३०.०६.२०२०
१४	वहिदुल्लाखान हमीदुल्लाखान	सपोउपनि	३०.०६.२०२१
१५	गणेश भगवानराव कदम	सपोउपनि	३०.०६.२०१६
१६	उध्दव केशव लाड	पोना	३०.०६.२०२०
१७	शे. चाँदपाशा शे. रहिम	पोना	३०.०६.२०१९
१८	दिलीप रामभाऊ कांबळे	पोउपनि	३०.०६.२०२०
१९	वसंतराव मानुजी जाधव	सपोउपनि	३०.०६.२०१२
२०	दिगांबर कामसेन शिंदे	सपोउपनि	३०.०६.२०१८
२१	विष्णु कान्हू जाधव	पोह	३०.०६.२०२१
२२	बापुराव रामराव लाड	सपोउपनि	३०.०६.२०२२

3. The issue raised in this petition is no longer *res-integra* in the light of the judgment delivered by the Madras High Court on 15.09.2017 in Writ Petition No.15732/2017 filed by ***P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others***, which

has been sustained by the Honourable Supreme Court. This Court (Coram : Ravindra V. Ghuge and Anil L. Pansare, JJ) has also delivered the judgment dated 23.06.2022 in Writ Petition No.6256/2022 filed by ***Changdeo Genuji Dudhat and others vs. State of Maharashtra and others*** and connected petitions. We have corrected paragraph 10 of our judgment dated 23.06.2022 vide order dated 13.07.2022.

4. In view of the above, the case of the petitioners is squarely covered by the said order dated 23.06.2022 and they stand entitled for the benefits as ordered in paragraph 9 and corrected paragraph 10 of the order dated 23.06.2022 in ***Changdeo Genuji Dudhat (supra)***, which read as under :-

"9. *It is quite apparent that the judgment delivered by the Madras High Court in P.Ayyamperumal (supra), became a cause for these petitioners to approach this Court. None of them had challenged the non-inclusion of the annual increment in their pensionary benefits for calculation purposes, when they superannuated on 30th June of a particular year. As the judgment delivered in P. Ayyamperumal (supra) became known to all, that these petitioners have approached this Court. Some of the petitioners have superannuated in between 2016 and 2021.*

10. *Considering these aspects, we are of the view that the arrears of such benefits as granted by us in paragraph 9 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the dates of their filing of the writ petitions or as per actuals, whichever*

is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners, on or before 30.08.2022."

5. As such, this petition is disposed off.

6. The respondents would grant benefits to the petitioners as directed in paragraphs 9 and 10 (reproduced above) of ***Changdeo Genuji Dudhat (supra)***, on or before 28.02.2023.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]