

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

38 WRIT PETITION NO.13204 OF 2022

RAJENDRA GANPATI JAWALE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Kishor R. Doke.

AGP for Respondent No.1: Mr. S. G. Karlekar.

Advocate for Respondent Nos. 2 to 5 : Mr. B. B. Bhise.

...

AND

39 WRIT PETITION NO.13205 OF 2022

NAMDEV GOVINDRAO SHENDAGE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Kishor R. Doke.

AGP for Respondent No.1: Mr. S. G. Karlekar.

Advocate for Respondent Nos. 2 to 5 : Mr. B. B. Bhise.

...

AND

43 WRIT PETITION NO.13236 OF 2022

TANAJI MAHADEV MASKAR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Kishor R. Doke.

AGP for Respondent No.1: Mr. S. G. Karlekar.

Advocate for Respondent Nos. 2 to 5 : Mr. B. B. Bhise.

...

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

DATE : 02nd January, 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 the 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 the chart hereunder:-

W.P. No.	Date of Appointment	Name of Petitioner	Date of Last Increment	Date of Superannuation
13204 / 2022	14/09/1981	Rajendra Ganpati Jawale	01/07/2010	30/06/2011
13205 / 2022	11/06/1973	Namdev Govindrao Shendage	01/07/2009	30/06/2010
13236 / 2022	24/12/1973	Tanaji Mahadev Maskar	01/07/2009	30/06/2010

3. The issue raised in these petitions 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, these Writ Petitions are 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)*, within 60 days.

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[SANJAY A. DESHMUKH, J.] [RAVINDRA V. GHUGE, J.]