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

925 WRIT PETITION NO.1282 OF 2023

**RAMESH RAMCHANDRA SHINDE
VERSUS
STATE OF MAHARASHTRA DEPARTMENT OF LAW AND
JUDICIARY AND OTHERS**

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Mr Gaurav L. Deshpande, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State

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

DATE : 2nd February, 2023

PER COURT:

1. The petitioner seeks to challenge the communication dated 03/09/2022 (the order is dated 01/09/2022), issued by respondent No.3, by which the petitioner is denied the benefits of one annual increment, which he had earned upon working for 12 months i.e. from 01/07/2018 till 30/06/2019, on the ground that he superannuated on 30/06/2019.

2. The issue that was raised by the petitioner through his representation dated 28/06/2022, as regards the notional addition of an annual increment, while computing his pension and pensionary benefits. Such increment became due and payable on

(2)

the last day before his superannuation, on completion of one year service.

3. The petitioner has superannuated on the 30th day of June 2019, as he was due for superannuation. He joined the service on 07/02/1986 and received his last annual increment on 01/07/2018.

4. 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.

5. In view of the above, this petition is partly allowed. The impugned order/communication dated 03/09/2022, is quashed and set aside. The petitioner is entitled to the notional addition of the last yearly increment for the purpose of calculating his pension, gratuity, earned leave, commutation benefits etc. Insofar as arrears of the benefits are concerned, the petitioner would be

(3)

entitled for the same for a period of three years preceding the date of filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioner, on or before 31/04/2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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