

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

86 WRIT PETITION NO.443 OF 2023

PRAMOD AMBADASRAO RAJURIKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioners : Upadhyaya Dhongade Suchita S.
AGP for Respondents/State : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 17th January, 2023

PC. :-

1. The petitioners have put forth prayer clauses (B) and (C) as under : -

“B) By issuing writ of Mandamus or any appropriate writ, order or direction in like nature, to direct the respondents to grant advance increments to petitioner for excellent work on the basis of Confidential reports in view of the orders of this Hon’ble Court in Writ Petition No.12426/2021 & 12427/2021 on dated 06.10.2022 common order.

C) Direct the respondents to decide the application of applicant dated 28.12.2020 on merit”

2. The issue raised in this petition is no longer *res integra*. Vide order dated 14.11.2019 in Writ Petition No. 13760 of 2019, this Court had concluded that the circular dated 14.12.2006 would continue to apply until 23.08.2017 and

the G.R. dated 24.08.2017 would apply prospectively and cannot be granted a retrospective effect. Consequent to the above, review applications were filed and by judgment and order dated 30.08.2022 in review application no. 170 of 2022 and other connected applications, this Court had concluded that there was no merit in the review. With a reasoned order, the review applications were dismissed and it was concluded that though the increments have been discontinued vide G.R. dated 24.08.2017, they cannot be denied retrospectively from 2006 onwards.

3. In view of the above, this petition is partly allowed.

4. In the event, no increments have been paid to the petitioners from the date of their eligibility till the introduction of the G.R. dated 24.08.2017, the petitioners would be entitled to such increments.

5. Needless to state, the employer shall carry out the verification exercise and after considering the record and upon finding that the petitioners were eligible for these increments, shall make such payment, expeditiously and preferably before 31.03.2023.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]