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

903 WRIT PETITION NO.242 OF 2023

**KASHINATH RAMRAO BHALKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr E. S. Murge, Advocate for petitioners;
Mr S. K. Tambe, A.G.P. for respondent Nos.1 to 3

AND

908 WRIT PETITION NO.263 OF 2023

**DATTATRAY RAMBHAU RAUT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr E. S. Murge, Advocate h/f Mr A. N. Sabnis, Advocate for
petitioners;
Mr S. G. Karlekar, A.G.P. for respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND**

SANJAY A. DESHMUKH, JJ.

DATE : 7th January, 2023

PER COURT:

1. In both 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)

2. The learned Advocate for the petitioners submits that respondent Nos.4 to 6 in Writ Petition No.242/2023 and respondent No.4 in Writ Petition No. 263/2023 are informal parties.

3. All these petitioners have superannuated on the 30th day of June of particular years, 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.	242/2023	Kashinath Ramrao Bhalke	11/06/1974	01/07/2007	30/06/2008
		Tatyarao Raghoba Biradar	01/08/1973	01/07/2007	30/06/2008
2.	263/2023	Dattatray Rambhau Raut	01/08/1978	01/07/2009	30/06/2010
		Dilip Narayan Pukale	01/12/1976	01/07/2010	30/06/2011

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**

(3)

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, these petitions are partly allowed. 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. Insofar 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.)

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