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

3 WRIT PETITION NO.595 OF 2023

NAGORAO DEVBA RODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS

....

Mr Y. B. Bolkar, Advocate h/f Mr K. B. Jadhav, Advocate for
petitioners;

Mr S. K. Tambe, A.G.P. for respondents/State

AND

4 WRIT PETITION NO.584 OF 2023

NAVNATH VITTHALRAO MANDVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND

5 WRIT PETITION NO.585 OF 2023

ASHOK UTTAMCHAND PATNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND

6 WRIT PETITION NO.586 OF 2023

SHAIKH PASHU SHAIKH GAFUR BHAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND

7 WRIT PETITION NO.587 OF 2023

JAGAN GANPA KAKDE

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VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND
9 WRIT PETITION NO.591 OF 2023

RAMDAS SITARAM WANARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND
10 WRIT PETITION NO.592 OF 2023

VISHNUDAS HARIKISHAN BAJAJ
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

AND
11 WRIT PETITION NO.593 OF 2023

MRS FARZANA SHAHEEN MAHMOOD AHMED QURAISHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND
12 WRIT PETITION NO.594 OF 2023

BHAGWAT MAROTRAO MARKAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

....

Mr Abhishek C. Deshpande, Advocate for petitioners;
Mr S. K. Tambe, Mr S. G. Sangle, Mr V. M. Kagne, Mr S. G.
Karlekar and Mr P. S. Patil, A.G.Ps. for respondents/State in
respective petitions

AND

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8 WRIT PETITION NO.588 OF 2023

MUMTAZ BEGUM MOHAMMED BASHEERUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

AND
112 WRIT PETITION NO.573 OF 2023

JAGANSING MAGANSING RAJPUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr Sandeep B. Sontakke, Advocate for petitioners;
Mr S. K. Tambe and Mr S. G. Sangle, A.G.Ps. for
respondents/State

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

DATE : 16th 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 particular years, as they were due for superannuation. For

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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.Nos.	Name of the Petitioners	Date of Appointment	Date of Last annual increment	Date of Superannuation /Retirement
1.	595/2023	Nagorao Devba Rode	25/07/1984	01/07/2021	30/06/2022
		Devrao Vithalrao Kedar	08/10/1986	01/07/2021	30/06/2022
		Gangadhar Vithalrao Lashkare	25/07/1984	01/07/2021	30/06/2022
		Rab Abdul Shaikh	21/07/1987	01/07/2021	30/06/2022
		Maroti Narayan Dhadekar	03/03/1993	01/07/2021	30/06/2022
		Baburao Sayenna Maukattawar	26/02/1986	01/07/2021	30/06/2022
		Mahadu Kondanbuwa Bharti	05/03/1986	01/07/2021	30/06/2022
		Moulana Huswensab Shaikh	03/11/1990	01/07/2021	30/06/2022
		Dattu Babasaheb Mundhe	07/10/1986	01/07/2021	30/06/2022
		Baliram Shankarrao Mokampalle	01/10/1983	01/07/2021	30/06/2022

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		Sundanda Renukadas Widekar	01/01/1985	01/07/2021	30/06/2022
		Digambar Sitaram Pawar	-----	01/07/2021	30/06/2022
		Pandurang Marotirao Rawanpalle	07/09/1991	01/07/2021	30/06/2022
		Maroti Lalu Gaddamwar	28/02/1994	01/07/2021	30/06/2022
		Balaji Nagorao Surudwad	15/02/1988	01/07/2021	30/06/2022
		Deelip Khobraji Sarode	22/07/1987	01/07/2021	30/06/2022
		Kishan Sambhaji Kadam	26/11/1990	01/07/2021	30/06/2022
2.	584/2023	Navnath Vitthalrao Mandve	23/05/1979	01/07/2016	30/06/2017
3.	585/2023	Ashok Uttamchand Patni	26/03/1985	01/07/2017	30/06/2018
		Ramkumar Vasantao Kalike	19/12/1972	01/07/2009	30/06/2010
4.	586/2023	Shaikh Pashu Shaikh Gafur Bhai	20/03/1986	01/07/2018	30/06/2019
		Zubeda Begum Haji Haroon	03/08/1987	01/07/2021	30/06/2022
		Shaikh Abdul Bari Shaikh Mehmood Dange	05/08/1991	01/07/2021	30/06/2022
		Ghulamrahman Gulumhayder Kandharkar	17/06/1985	01/07/2018	30/06/2019

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		Wajid Ali Hafiz Ali Khan	05/08/1991	01/07/2019	30/06/2020
		Shaikh Rashid Shaikh Rehman	11/06/1990	01/07/2020	30/06/2021
		Mrs. Khudsiya Siddiqui M.A. Wahab	01/08/1986	01/07/2018	30/06/2019
		Farroqui Zohra Jabeen	02/07/1990	01/07/2018	30/06/2019
		Popat Sampatrao More	12/06/1995	01/07/2019	30/06/2020
5.	587/2023	Jagan Ganpa Kakde	08/08/1983	01/07/2015	30/06/2016
6.	591/2023	Ramdas Sitaram Wanare	24/08/1987	01/07/2021	30/06/2022
7.	592/2023	Vishnudas Harikishan Bajaj	16/12/1978	01/07/2015	30/06/2016
8.	593/2023	Mrs. Farzana Shaheen Mahmood Ahmed Quraishi	16/06/1990	01/07/2015	30/06/2016
9.	594/2023	Bhagwat Marotrao Markad	26/08/1985	01/07/2020	30/06/2021
		Ramdas Baburao Badhe	06/08/1985	01/07/2019	30/06/2020
		Rangnath Umaji Lendale	14/08/1982	01/07/2020	30/06/2021
		Karbhari Pandharinath Nawale	19/01/1987	01/07/2020	30/06/2021
		Vishnu Asuba Khoje	12/04/1983	01/07/2019	30/06/2020

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		Pandit Uttamrao Mule	12/06/1990	01/07/2018	30/06/2019
10.	588/2023	Mumtaz Begum Mohammed Basheeruddin	07/11/1984	01/07/2018	30/06/2019
11.	573/2023	Jagansing Magansing Rajput	02/05/1977	01/07/2007	30/06/2008
		Pandurang Laxman Bodre	01/04/1977	01/07/2007	30/06/2008
		Syed Asgar Ali Syed Afsar Ali	03/03/1975	01/07/2008	30/06/2009
		Janardhan Shahji Ghodke	13/03/1977	01/07/2009	30/06/2010
		Shaikh Murtuja Shaikh Murad	21/04/1975	01/07/2007	30/06/2008
		Munnaswami Krushnaswami Pullelu	01/12/1989	01/07/2020	30/06/2021
		Kokila Sakharam Sonar	01/01/1982	01/07/2009	30/06/2010
		Jagnnath Vitthal Lokhande	07/09/1978	01/07/2013	30/06/2014

3. 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.

4. 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 30/04/2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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