



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1001 WRIT PETITION NO. 15650 OF 2023

SATISH ANKUSH BHOYATE AND OTHERS

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....Respondents

.....

Mr. Murge Estling S., Advocate for Petitioner

Mrs. Priya R. Bharaswadkar, AGP for Respondents State

Mr. V. M. Vibhute, Advocate for Respondent Nos. 2 and 3.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 20th December, 2023

ORDER:

1. Heard the learned Advocates for the Petitioner, Respondent Nos. 2 and 3 and the learned AGP.

2. All the Petitioners are identically situated. The Petitioners have put forth prayer clauses (B), (C) and (D) as under:

(B) It is hold and declares that, the Government Resolution dt. 24/08/2017 issued by the Res. No. 1 shall not be made applicable to the petitioners.

(C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature. The Res. No. 2 & 3 may kindly be directed to grant additional increments to the petitioners by considering their "Most Excellent work"

recorded in their confidential Report in view of G.R. dt. 31/10/1989 issued by the Res. No. 1.

- (D) Pending hearing and final disposal of this W.P. to direct the Res No. 2 to grant additional increments to the petitioners for "Most Excellent work" subject to the final decision of the writ petition."

3. The issue raised in this petition is no longer res integra. Vide order dated 14.11.2019 in Writ Petition No. 13756 of 2019, with connected writ petitions, this Court has concluded that the Circular dated 14.12.2006 would continue to apply and the G.R. dated 24.08.2017 would apply prospectively and cannot be granted a retrospective effect. Subsequent 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 held that there was no merit in the review and with a reasoned order, the review applications were dismissed. It was concluded that, the increments can be discontinued vide G.R. dated 24.08.2017, prospectively.

4. In view of the above, **this petition is partly allowed**. In the event, no increments have been paid to these petitioners from the date of their eligibility, till the introduction of the Government Resolution 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 28.02.2024.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan