

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

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**WRIT PETITION NO. 10948 OF 2022**

Nemchand Tulshiram Kale & Ors.

..... Petitioners

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Shrirang Katneshwarkar a/w. Mr. Deepak Pote I/b. Mr. Sandeep  
B. Sontakke for the Petitioners  
Mr. M. M. Pabale, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &  
SANDEEP V. MARNE, J.**

**DATED : FEBRUARY 16, 2023**

**P.C.**

1. The office endorsement shows that Respondent Nos.3 and 4 are duly served. None appears for Respondent Nos.3 and 4.

2. It is submitted that the Petitioners are awarded certificate of excellent work and advance increments in the year 2006 to 2009. They were given benefit of advance increments and same was also paid. However, now for some of the Petitioners' recovery is claimed and for some of the Petitioners benefit is not extended. If the Petitioners are already granted certificate of excellent work in the year 2006 to 2009, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

3. The same view was taken by us in Writ Petition No.1954 of 2018 with other connected Writ Petitions under order dated 25<sup>th</sup> January 2019. The Government Resolution dated 24<sup>th</sup> August 2017 will have prospective effect and not retrospective.

4. The Respondents shall verify that if the Petitioners are awarded the certificate of excellent work prior to 24<sup>th</sup> August 2017, then in that case, the Petitioners are entitled for the benefit of additional increments and if the same was accorded to the Petitioners in the year 2006 to 2009, the same shall not be withdrawn and if any recovery is made, then the same shall be refunded.

5. In light of the above, the Writ Petition is disposed of. No costs.

**(SANDEEP V. MARNE, J)**

**(ACTING CHIEF JUSTICE)**