

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11120 OF 2022**

Mr. Ashok Tukaram Patil and Ors.

.....Petitioners

V/s.

State of Maharashtra and Ors.

.....Respondents

Mr. Mahesh V. Rawool, Advocate for the petitioners.

Mr. M.M. Pabale, AGP for State.

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

DATE : 11th APRIL, 2023.

P.C. :

1. The office endorsement shows that Respondent no.3 is duly served. None appears for Respondent No.3.

2. It is submitted that the Petitioners are awarded Certificate of excellent work and advance increments in the year 2008 to 2011. 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 If the Petitioners are already granted Certificate of excellent work in the year 2008 to 2011, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 25th January, 2019. The Government Resolution dated 24th 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 24th August, 2017, then in that case, the Petitioners are entitled for the benefit of additional increment and if the same was accorded to the Petitioners in the year 2008 to 2011, the same shall not be withdrawn and if any recovery is made, then the same shall be refunded.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)

**NEETA
SHAILESH
SAWANT**

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