

jvs

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

WRIT PETITION NO. 2060 OF 2023

Arun Sitaram Kakade & Ors. } Petitioners
Versus
The State of Maharashtra & Ors. } Respondents

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**WITH
WRIT PETITION NO. 2142 OF 2023**

Narayan Baburao Pawar } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Ameya Sabnis i/b. Mr. Pranav
Dhakne for the petitioners.

Mr. B. V. Samant, AGP for respondents
1 to 4 (State).

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

DATE: APRIL 21, 2023

P.C.:

- 1.** The petitioners retired on 30th June. The petitioners seek benefit of annual increment.
- 2.** We have heard the learned advocate for the petitioners and the learned AGP.
- 3.** The Apex Court, in the case of *Director (Admn. & HR.) KPTCL & Ors. vs. C. P. Mundinamani & Ors.*, reported in **2023 SCC OnLine 401** has decided the issue. The Apex Court framed the following question: -

“13. The short question which is posed for the consideration of this Court is whether an employee who has earned the annual increment is entitled to the same despite the fact that he has retired on the very next day of earning the increment?”

4. The Apex Court held that the employees would be entitled for grant of one annual increment which they earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behavior and efficiently.

5. In light of the above judgment, the issue is no longer *res integra*. The present writ petitions, as such, are allowed. The respondents may grant one annual increment with all consequential benefits for the period of 30th June to 1st July of respective years of the petitioners' services.

6. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)