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

WRIT PETITION NO. 3054 OF 2021

Ramrao Rajaram Kadam & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Yogesh M. Birajdar h/f Mr. Nagraj S. Shinde for petitioners.
Mrs. Nisha M. Mehra, AGP for respondent no.1/State.
Dr. Uday P. Warunjikar for respondent no.2/ZP.

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

DATE: APRIL 26, 2023

P.C.:

- 1.** It is submitted that, petitioners in this Writ Petition are awarded certificate of excellent work and advance increments in the year 2006 to 2008. 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the petitioners are already granted certificate of excellent work in the year 2006, 2007 and 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.
- 2.** The same view was taken by the Division Bench of this Court at Aurangabad in Writ Petition No. 1954 of 2018 with other connected Writ Petitions under order dated 25th January, 2019. It appears that the Government has issued resolution

on 18th April, 2023 whereby the Government Resolution dated 15th December, 2022 is made applicable to all the employees of the Zilla Parishad also. The reference is made to the said Government Resolution in the decision of this Court at Aurangabad Bench in Writ Petition No. 11004 of 2019 wherein it is held that the GR dated 24th August, 2017 is prospective.

3. The Government Resolution dated 24th August, 2017 will have prospective effect and not retrospective and in that case benefit that was accorded to the petitioners of excellent work in the year 2006, 2007 and 2008 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.

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

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)