

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 572 OF 2023**

Mr. Shankar Mahadu Jadhav & Ors.

....Petitioners

V/s.

The State of Maharashtra & Ors.

....Respondents

Mr. Ajinkya Jaibhave i/by. Ms. Anusha P. Jaibhave, Advocate
for the Petitioners.

Mr. N.K. Rajpurohit, AGP for State.

**CORAM : DHIRAJ SINGH THAKUR, &
SANDEEP V. MARNE, JJ.**

Date : 21 June 2023.

P.C. :

1. This petition is filed by 13 retired staff of District Court, Nashik seeking a relief of release of increment due on 1st July of the year in which they have retired from service. Petitioners have retired from service during various years between 2015 to 2020. The exact dates of their retirements have been stated in para-9 of the petition. Though their retirements have taken place in different years, the common thread that binds all Petitioners is that all of them have retired on 30th June of various years.

2. As per the recommendations of the 6th Pay Commission, a uniform date of increment of 1st July has been fixed for all Government Servants. It is Petitioner's contention that they have served for entire year upto 30th June and were entitled to earn one increment for having rendered service for entire year. However, the increment which was due to them on 1st July of the year of their retirement has been denied to them on the ground that they were not in service on 1st day of July, when the increment was payable.

3. The issue involved in the petition is no longer *res-integra* and is covered by the recent judgment of the Supreme Court in **The Director (Admn. And HR) KPTCL & Ors. V/s. C.P. Mundinamani & Ors.** (Civil Appeal No. 2471 of 2023 decided on 11 April 2023. The Apex Court has issued following directions :

“7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in

the facts and circumstances of the case, there shall be no order as to costs.”

4. The Writ Petition is accordingly allowed by directing Respondents to grant one notional increment to each of the Petitioners which was due to them on 1st July of the year of their respective retirements. The amounts of pension and pensionary benefits payable to them be accordingly revised and arrears thereof consequent to grant of notional increment be also paid to Petitioners. The entire exercise be completed within a period of four months from today.

(SANDEEP V. MARNE, J.)

(DHIRAJ SINGH THAKUR, J.)

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