

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 3148 OF 2022

Petitioner : Nadeemur Rahman Abdul Rahman,
Aged about 60 Years, Occupation : Retired,
R/o At Village Deulghat, Tah. and Dist. Buldhana.
– Versus –

Respondents : 1. The Zilla Parishad, Buldhana,
through its Chief Executive Officer.
2. The Block Education Officer,
Zilla Parishad, Buldhana.

with

WRIT PETITION 3149 OF 2022

Petitioner : Sayyed Kaseem Sayed Azeem,
Aged about 60 Years, Occupation : Retired,
R/o At Village Deulghat, Tah. and Dist. Buldhana.
– Versus –

Respondents : 1. The Zilla Parishad, Buldhana,
through its Chief Executive Officer.
2. The Block Education Officer,
Zilla Parishad, Buldhana.

WRIT PETITION 3156 OF 2022

Petitioner : Mohammad Sufyan Mohd. Suleman,
Aged about 58 Years, Occupation : Retired,
R/o At Village Deulghat, Tah. and Dist. Buldhana.
– Versus –

Respondents : 1. The Zilla Parishad, Buldhana,

through its Chief Executive Officer.

2. The Block Education Officer,
Zilla Parishad, Buldhana.

Mr. N.B. Kalwaghe, Advocate for the Petitioner(s).
Mr. A.P. Sadawarte, Advocate for the Respondents.

CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**

DATE : **20th JUNE, 2023.**

J U D G M E N T : *(Per Rohit B. Deo, J.)*

Rule. Rule made returnable forthwith. Heard the petitions finally by consent of the learned Counsel appearing for the parties.

02] The grievance in this bunch of petitions is the refusal of respondents to grant the benefit of one annual increment, which fell due on 30th June to the petitioners, who superannuated on 30th June of their respective years.

03] The learned Counsel appearing for the petitioners submits and the learned Counsel appearing for the respondents fairly agrees that the issue is squarely covered by several decisions of this Court, which have relied on the decision of Hon'ble Supreme Court in *Civil Appeal 2471/2023 (The Director (Admn. and HR) KPTCL & ors. Vs. C. P. Mundingamani and ors., dated 11/04/2023.*

04] We find that equities can be met by declaring that all the petitioners shall be entitled to the increment, which fell due on the 30th June of the year, in which the petitioners have superannuated. The pension of the petitioners shall have to be re-fixed. However, the petitioners shall be entitled to the arrears in view of the re-fixation.

05] In this view of the matter, we allow the petitions and direct the respondents to give notional annual increment to the petitioners for having completed one full year of service on the date of their superannuation/retirement i.e. 30th June of their respective years and, accordingly, consequential benefits due and payable shall be worked out by the respondents and paid to the petitioners within a period of six weeks from the date of this judgment.

06] Rule is made absolute in the aforestated terms with no order as to costs.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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