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

WRIT PETITION NO. 2564/2023

(PANDURANG BAPURAO THAKARE & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 2552/2023

(SHARAD BHAURAO WANKHEDE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 2566/2023

(MANIKRAO BAPURAO RAUT & OTHERS **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders.	*Court's or Judge's order*

Shri V.U. Rathod, counsel for the petitioners.
Ms N.P. Mehta, Assistant Government Pleader for the respondent-State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.
DATE : JUNE 20, 2023.

P. C.

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioners who have retired from service on 30th of June of the relevant years seek grant of increment that falls due on 1st of July of the relevant years. Consequentially, the service benefits with regard to pension, gratuity and other allowances are sought to be revised on that basis.

3. We find that the issue raised in these writ petitions has been considered and decided in **Writ Petition No. 3028 of 2021** [*Kailash Gulabchand Sahuji & Others Versus The State of Maharashtra & Others*] alongwith connected writ petitions on 02.05.2022 following the decision of the said Bench in **Writ Petition No. 6396 of 2020** [*Prakash Tulshiram Chaudhari Versus The State of Maharashtra & Others*], against which the Special Leave Petition came to be dismissed. Therein it was held that by virtue of superannuating from service on 30th of June of the concerned year, the employee in question was entitled for the increment of the concerned year.

4. Hence, for the reasons assigned in the judgment in Writ Petition No. 3028 of 2021, it is held that the petitioners would be entitled for the increment that became due on the 1st of July of the year in which they superannuated. Paragraph 13 of the aforesaid judgment which reads as under is reproduced below :-

> "*13. Considering these aspects, we are of the view that the arrears of such benefits as granted by us in paragraph 10 hereinabove, could be restricted for a reasonable period. As such, these petitioners would be entitled for the arrears of such benefits for a period of three years preceding the date of their superannuation or as per actuals, which ever is less. We direct the payment of such arrears accordingly and expect such payment to be made to these petitioners on or before 30/08/2022.*"

5. The present petitioners would be entitled for the arrears of such benefits for a period of three years preceding the date of their superannuation or as per actuals, whichever is less. The amounts due and payable shall be worked out by the respondents and paid to the petitioners within a period of four months from the date of this judgment.

6. Rule is made absolute in aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.) **(A. S. CHANDURKAR, J.)**

APTE