

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

WRIT PETITION 4129 OF 2022

Petitioner : Onkar s/o Bapurao Shrikhande,
Aged about 59 Years, Retired Assistant Teacher,
R/o Plot No.86, Agne Layout,
Near Anand Putti Super Bazar, Khamla,
Nagpur – 440025.

– Versus –

Respondents : 1. The Principal Secretary,
School Education and Sports Department,
Mantralaya, Extension Bhawan,
Madam Kama Road, Hutatma Rajguru Chouk,
Mumbai – 32.

2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.

3. The Head Master,
Tarkhande Dharampeth High School and Junior
College, Dharampeth, Nagpur – 10.

4. The Senior Accounts Officer,
Office of Accountant General (A&E) II,
Maharashtra, Nagpur.

with

WRIT PETITION 4075 OF 2022

Petitioner : Anandrao s/o Rawaji Kawale,
Aged about 60 Years, Retired Head Master,
R/o Plot No.7-B, Vrundavn Nagar, Nandanwan,
Nagpur – 440008.

– Versus –

Respondents : 1. The Principal Secretary,
School Education and Sports Department,
Mantralaya, Extension Bhawan,

Madam Kama Road, Hutatma Rajguru Chouk,
Mumbai – 32.

2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.
3. The Head Master,
Adarsh High School, Kanhan,
Tahsil Parshioni, District Nagpur.
4. The Senior Accounts Officer,
Office of Accountant General (A&E) II,
Maharashtra, Nagpur.

with

WRIT PETITION 4070 OF 2022

Petitioner : Pradhya w/o Prashant Atre,
Aged about 59 Years, Retired Head Mistress,
R/o Opposite Dhantoli Park, Abyankar Road,
Dhantoli, Nagpur – 440 012.

– Versus –

Respondents : 1. The Principal Secretary,
School Education and Sports Department,
Mantralaya, Extension Bhawan,
Madam Kama Road, Hutatma Rajguru Chouk,
Mumbai – 32.

2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.
3. The Head Master,
Tarkhande Dharampeth High School and Junior
College, Dharampeth, Nagpur – 10.
4. The Senior Accounts Officer,
Office of Accountant General (A&E) II,
Maharashtra, Nagpur.

with

WRIT PETITION 4072 OF 2022

Petitioner : Shubhada w/o Shashank Masalkar,
Aged about 59 Years, Retired Head Mistress,
R/o Plot No.83, Shubhadayini, Bhagwan Nagar,
Nagpur – 4400027.

– Versus –

Respondents : 1. The Principal Secretary,
School Education and Sports Department,
Mantralaya, Extension Bhawan,
Madam Kama Road, Hutatma Rajguru Chouk,
Mumbai – 32.

2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.

3. The Head Master,
Adarsh High School, Kanhan, Tahsil Parshioni,
District Nagpur.

4. The Senior Accounts Officer,
Office of Accountant General (A&E) II,
Maharashtra, Nagpur.

Mr. D.M. Surjuse, Advocate for the Petitioner.

Mrs. K.R. Deshpande, A.G.P for Respondents 1, 2 & 4.

Mr. P.A. Gode, Advocate for Respondent 3.

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

DATE : **21st JUNE, 2023.**

J U D G M E N T : *(Per M.W. Chandwani, 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 batch 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 petitioner(s) submits and the learned Assistant Government Pleader appearing for the respondents/State 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 Mundinamani and ors., dated 11/04/2023.*

04] Since, the issue of entitlement of annual increment of the petitioners is squarely covered by the decision of the Supreme Court in C.P Mundinamani (*supra*), wherein it has been held that a government servant is entitled to the benefit of the annual increment on the eventuality of having served for a specific period of one year with good conduct efficiently. Merely because, the employee has retired on the very next day, he cannot be denied the annual increment, which he has earned and/or entitled to for rendering the service with good conduct and efficiently in the preceding one year. On the same line, the petitioners are also entitled for one annual increment. 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.)