

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

WRIT PETITION NO.4626 OF 2022

- 1) Alhad s/o Shrihari Bahade
Age-59 years, Occ. Retired,
R/o Shukratara 19 Sneha Nagar,
Gajanan Maharaj Mandir Ward,
Chandrapur Tah. and Dist. Chandrapur.
- 2) Smt. Alka Ganeshrao Admane
Age- 59 years, Occupation- Retired
R/o Ashray Colony, Shivaji Nagar,
New Gurudwara Road, Chandrapur,
Tah. And Dist. Chandrapur.
- 3) Vidyadhar Prabhakar Chobe
Age-64 Years, Occupation- Retired,
R/o Near Mata Mandir, Wadgaon Road,
Chandrapur, Dist. Chandrapur.
- 4) Natthu Shrihari Bhoyar
Age- 60 years, Occupation- Retired
R/o Sai Krupa Nagar, Wadala Paiku,
Chimur Tah. Chimur Dist. Chandrapur.
- 5) Ravindrakumar Atmaram Burande
Age- 60 years, Occupation- Retired
At post-Mul Ward No. 14 Behind
Panchayat Sammitee, Mul Tah. Mul
Dist. Chandrapur.
- 6) Ashok Dadaji Phophale
Age- 60 years, Occupation – Retired,
R/o Gajanan Nagar Sardar Patel Ward,
Anandwan Chowk Warora, Dist. Chandrapur.
- 7) Sudhakar Shrawanji Pawade
Age- 66 Years, Occupation- Retired,

R/o Gobal Residency, Flat No. 101 Amar Sanjay
Society Manish Nagar, Nagpur.

- 8) Smt. Pushpa Manohar Pazare
Age- 67 years, Occupation- Retired
R/o Sugar Nagar, Tukum Ward No.2,
Behind Academic Convent Near Priya
Apartment, Chandrapur, Tah. And
Dist. Chandrapur.
- 9) Vilas Kawruji Bombode
Age- 67 years, Occupation- Retired
New Narsala Road, Sudarshan Nagar,
Plot No. 34 Sariptra Society Nagpur.
- 10) Bhaskar Namdeorao Lakhamapure
Age- 61 years, Occupation- Retired,
R/o Vinayak Layout Tilak Ward Warora
Dist. Chandrapur.
- 11) Manohar Rambhau Madekar
Age- 61 years, Occupation- Retired
R/o Balaji Ward Near Tumde Hospital
Ballarpur Tah. Ballarpur, Dist. Chandrapur.
- 12) Gulab Damodhar Nibrad
Age- 66 Years, Occupation- Retired
R/o Abhayankar Nagar
Dr. Radhakrishna Colony Warora
Dist. Chandrapur.
- 13) Ashok Ravanrao Bhagat
Age- 66 years, R/o Maha Bank
Colony Sardar Patel Ward
Warora Dist. Chandrapur.
- 14) Vitthal Shravan Sawsakade
Age- 59 years, R/o Nanadanwan Nagar
Warkhade Layout Tilak Ward, Warora,
Dist Chandrapur.

- 15) Ramesh Bakaram Mankar
Age- 60 years, Occupation- Retired,
R/o At post Shegaon (BK)
Near Police Station Tah. Warora
Dist. Chandrapur.

..... PETITIONERS

...V E R S U S...

- 1) The Secretary, School Education and
Sports Department, Mantralaya Extension
Bhavan Madam Kama Road, Hutatma
Rajguru Chowk, Mumbai-32.
- 2) Deputy Director of Education
Nagpur Division, Nagpur.
- 3) Education Officer (Secondary),
Zilla Parishad, Chandrapur.
- 4) Accountant General (Accountant &
Entitlements) II Maharashtra
Nagpur.

..... RESPONDENTS

Ms. Kirti Satpute, Advocate for Petitioners.

Mrs. K. R. Deshpande, AGP for Respondents 1 to 4/State.

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

DATE : 27th JULY, 2023.

J U D G M E N T : *(Per M.W. Chandwani, J.)*

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

02] The grievance in this petition 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 the relevant year.

03] The learned Counsel appearing for the petitioners submits and the learned Additional 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 re-fixation shall be notional and the petitioners shall be entitled to the arrears in view of the re-fixation only for the period of three years preceding the date of institution of the petition.

05] In this view of the matter, we allow the petition 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 the relevant year and, accordingly, consequential benefits due and payable shall be worked out by the respondents from the period of three years preceding the date of institution of the petition and paid to the petitioners within a period of eight 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.)