

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

WRIT PETITION NO.7137 OF 2022

Petitioners

- : 1. Shri Baburao s/o Madhukar Katrojwar,
Aged about 61 Years, Occ. Retired,
R/o Near Gramin Hospital, Tah. Chamorshi,
Ashti, Gadchiroli, Maharashtra – 442707.
2. Shri Kiran s/o Balwantrao Gondhali,
Aged about 61 years, Occ. Retired,
R/o Ward No.1, Ashti, Gadchiroli,
Maharashtra – 442707.
3. Shri Bandonant Vitthalrao Mallelwar,
Aged about 58 years, Occ. Retired,
R/o Ward No.5, Ram Mandir Near, Ashti,
Chamorshi, Gadchiroli, Maharashtra – 442707.
4. Shri Satyanarayan Ramayya Ramgirwar,
Aged about 60 years, Occ. Retired,
R/o Power House Colony, Prabhag-02,
At Post Tah. Aheri, Gadchiroli,
Maharashtra – 442707.
5. Shri Vijay Farid Chandekar,
Aged about 60 years, Occ. Retired,
R/o Gond Mohalla, Near Sai Mandir, Ward No.5,
At Post Allapalli, Tah. Aheri, Allapalli, Gadchiroli,
Maharashtra – 442707.
6. Shri Khushal Bondku Bangare,
Aged about 59 years, Occ. Retired,
R/o At Chandu Master Colony, Dharmpur,
Ward No.4, Post and Taq. Aheri, Gadchiroli,
Maharashtra – 442707.

– Versus –

Respondents

- : 1. The Principal Secretary,
School Education and Sports Department,
1st Floor, Room No.108, Mantralaya Annex,
Madam Cama Road, Mantralaya,
Mumbai – 400032.
2. State of Maharashtra, through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 400032.
3. The Education Officer (Secondary),
Zilla Parishad, Gadchiroli-442605.
4. The Senior Accounts Officer,
Office of Accountant General (A & E) II
Maharashtra, Nagpur.
5. Raje Dharmarao High School, Adapalli (Mal),
Tah. Mulchera, Dist. Gadchiroli-442707,
through its Headmaster.
6. Raje Dharmarao High School, Ashti,
Dist. Gadchiroli-442705, through its Headmaster.
7. Raje Dharmarao Krushi Vidyalaya, Aheri,
Tah. Aheri, Dist. Gadchiroli-442705,
through its Headmaster.
8. Raje Dharmarao High School, Nagepalli,
Tah. Aheri, Dist. Gadchiroli-442705,
through its Headmaster.
9. Bhagvantrao High School and Junior College,
Aheri, Tah. Aheri, Dist. Gadchiroli-442705,
through its Headmaster.
10. Raje Dharmarao Shikshan Mandal, Aheri,
Dist. Gadchiroli – 442705, through its Headmaster.
11. Van Vaibhav Shikshan Mandal, Aheri,
Dist. Gadchiroli-442705,
through its President.

with

WRIT PETITION NO.6696 OF 2022

Petitioners

- : 1. Manohar Keshao Shende,
Aged about 60 Years, Occ. Retired,
R/o Ward No.16, Mu.Po. Tah. Mul,
Dist. Chandrapur - 441224
2. Fulchand Kashinath Gongale,
Aged about 62 years, Occ. Retired,
R/o Rajendraprasad Ward No.14,
Behind State Bank, Mul, Tq. Mul,
Dist. Chandrapur – 441224.
3. Sanjay Baburao Sangamwar,
Aged about 60 years, Occ. Retired,
R/o Mu. Po. Mul, Dist. Chandrapur - 441224.

– Versus –

Respondents

- : 1. State of Maharashtra, through its Secretary,
Rural Development, Bandhkam Bhavan,
25, Marzban Road, Fort, Mumbai-400001.
2. State of Maharashtra, through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 400032.
3. Divisional Commissioner, Nagpur Division,
Nagpur, Tq. & Dist. Nagpur.
4. Zilla Parishad, Chandrapur,
through its Chief Executive Officer, Chandrapur,
Tq. & Dist. Chandrapur.
5. Education Officer (Primary),
Zilla Parishad, Chandrapur,
Tq. & Dist. Chandrapur.
6. Zilla Parishad Higher Primary School, Chandali,
Tah. Saoli, Dist. Chandrapur – 441225,
through its Headmaster.
7. Zilla Parishad Primary School, Nagala,
Tah. Mul, Dist. Chandrapur – 441224,
through its Headmaster.

8. Zilla Parishad Primary School, Tadala,
Tah. Mul, Dist. Chandrapur – 441224,
through its Headmaster.

with

WRIT PETITION NO.6697 OF 2022

Petitioners

- : 1. Shri Sanjay Madhao Muppawar,
Aged about 58 Years, Occ. Retired,
R/o Near Rural Hospital, Ward No.15 PO.,
Tah. Mul, Dist. Chandrapur - 441224.
2. Shri Ramesh Wanuji Wankar,
Aged about 64 Years, Occ. Retired,
R/o at PO, In front of Sub-District Hospital, Mul,
Ward No.15, Mul, Dist. Chandrapur - 441224.
3. Shri Nipchand Sitaram Sherki,
Aged about years, Occ. Retired,
R/o PO, Behind Panchayat Samitee, Ward No.14,
Tah. Mul, Dist. Chandrapur - 441224.
4. Suresh Yashvantrao Akkulwar,
Aged about 65 years, Occ. Retired,
R/o PO., Ward No.14, Tah. Mul,
Dist. Chandrapur – 441224.
5. Diwan s/o Shankar Satre,
Aged about 66 years, Occ. Retired,
R/o PO., Kinhi Palasgaon,
Tq. Ballarpur, Dist. Chandrapur.
- Versus –

Respondents

- : 1. The Principal Secretary,
School Education and Sports Department,
Mantralaya, Extension Bhavan,
Madam Cama Road, Hutatma Rajguru Chowk,
Mumbai – 400032.

2. State of Maharashtra, through its Secretary, School Education and Sports Department, Mantralaya, Mumbai – 32.
3. The Education Officer (Secondary), Zilla Parishad, Chandrapur, Jatpura Gate, Chandrapur - 442401.
4. The Senior Accounts Officer, Office of Accountant General (A & E) II, Maharashtra, Nagpur.
5. Vishwashanti Vidyalay Maroda, Mul, Dist. Chandrapur, through its Headmaster.
6. Bharat Shikshan Prasarak Mandal, Saoli, Dist. Chandrapur, through its Secretary/President.
7. Nav Bharat Vidhyalaya Vyahad Buj, Saoli, Dist. Chandrapur, through its Headmaster.
8. Shikshan Prasarak Mandal, Tah. Mul, Dist. Chandrapur, through its President.
9. Vikas Vidyalaya, Vihirgaon, Tah. Saoli, Dist. Chandrapur, through its Headmaster.
10. Lokseva Mandal, Vihirgaon, Tah. Saoli, Dist. Chandrapur, through its President.
11. Karmaveer Vidyalaya, Yenbodi, Tah. Ballarpur, Dist. Chandrapur, through its Headmaster.
12. Krushi Jeevan Vikas Pratishthan, Yenbodi, Tah. Ballarpur, Dist. Chandrapur, through its President.

Mr. S.S. Muppawar, Advocate for the Petitioners.
Mr. N.S. Rao, A.G.P for the Respondents/State.

CORAM: ROHIT B. DEO AND M.W. CHANDWANI, JJ.
DATE : 13th JUNE, 2023.

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

Rule. Rule made returnable forthwith in Writ Petition No.7137 of 2022. 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 Assistant Government Pleader 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] 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 their respective petitions.

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 from the period of three years preceding the date of institutions of their respective petitions may kindly be granted within the stipulated time.

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

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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