



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO. 9060 OF 2023

**ABDUL MANNAN ABDUL HAMEED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

905 WRIT PETITION NO. 9064 OF 2023

**GOVIND PANDHARINATH MANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

906 WRIT PETITION NO. 9078 OF 2023

**BASAYYA CHANNAYYA SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

907 WRIT PETITION NO. 9085 OF 2023

**ASARAM MAHADU SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

908 WRIT PETITION NO. 9089 OF 2023

**SHAIKH SADEKHA AZIZ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND

909 WRIT PETITION NO. 9093 OF 2023

**ANIL DEVIDASRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

AND
910 WRIT PETITION NO. 9096 OF 2023

USHA BHAGWANRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
911 WRIT PETITION NO. 9101 OF 2023

TUKARAM RAMCHANDRA BORSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
912 WRIT PETITION NO. 9109 OF 2023

ASHOK KISHANRAO GIRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
1 WRIT PETITION NO. 9065 OF 2023

GANESHLAL PANNALAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
2 WRIT PETITION NO. 9116 OF 2023

MASARRAT ZARREEN MOHAMMED AHEMAD QURESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S. K. Mathpati, Advocate for Petitioners
Mr. S. B. Narwade, Mr. P. K. Lakhotiya, Mr. R. S. Wani and Mr. S. K. Tambe, AGPs for Respondent – State
Mr. D. B. Pawar, Advocate for Zilla Parishad, Parbhani
Mr. A. C. Sisodiya, Advocate h/f Mr. A. B. Girase, Advocate for Respondent Nos. 5 and 6 in WP/9101/2023

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 19.01.2024

PER COURT :-

1. Writ Petition Nos.9065 of 2023 and 9116 of 2023 are not on board. Since the group is listed for hearing, taken on board by consent of the parties.
2. The common issue in these Petitions is as regards the eligibility of the Petitioners in being entitled to the annual increment after completing one year of service after office hours on 30th June of the said year. The fortuitous circumstance being that, each of these Petitioners stood retired on 1st of July after completing the requisite 12 months of service on 30th June, which would entitle them for the annual increment.
3. The litigation on this issue is all over the Country. This Court has taken a view consistently that such Petitioners would be entitled for the annual increment though they stood retired on 1st July of a particular year, as they have worked upto 30th June.
4. A ready reference chart with regard to these Petitioners is reproduced here under:-

Board Sr. No.	Writ Petition No.	Name of the Petitioner	Date of Appointment	Date of Last increment	Date of superannuation /retirement
904	9060 of 2023 Parbhani	Abdul Mannan Abdul Hameed	13.11.1987	01.07.2021	30.06.2022
905	9064 of 2023 Latur	Govind Pandharinath Mane	02.08.1982	01.07.2018	30.06.2019
906	9078 of 2023 Latur	Basayya Channayya Swami	15.06.1987	01.07.2020	30.06.2021
907	9085 of 2023 Parbhani	Asaram Mahadu Shinde	14.08.1981	01.07.2023	30.06.2014
908	9089 of 2023 Parbhani	Shaikh Sadekha Aziz	26.06.1995	01.07.2021	30.06.2022
909	9093 of 2023 Parbhani	Anil Devidasrao Kulkarni	01.01.1986	01.07.2019	30.06.2020
910	9096 of 2023 Parbhani	Usha Bhagwanrao Deshmukh	24.07.1992	01.07.2021	30.06.2022
911	9101 of 2023 Jalgaon	Tukaram Ramchandra Borse	27.04.1983	01.07.2015	30.06.2016
912	9109 of 2023 Parbhani	Ashok Kishanrao Giri	14.10.1994	01.07.2019	30.06.2020
1	9065 of 2023 Hingoli	Ganeshlal Pannalal Jaiswal	13.11.1978	01.07.2011	30.06.2012
2	9116 of 2023 Nanded	Masarrat Zarreen Mohammed Ahemad Qureshi	06.09.1982	01.07.2019	30.06.2020

5. The Hon'ble Supreme Court, while considering such litigation, has delivered a judgment on 11.04.2023 in ***Director (Admin. and HR) KPTCL and others Vs. C.P. Mundinamani and others – 2023 SCC OnLine SC 401.***

6. Considering that the issue has been put to rest by the judicial pronouncement of the Hon'ble Supreme Court in ***Director (Admin. and HR) KPTCL (supra)*** and the order of the Hon'ble

Supreme Court dated 12.01.2022 in *Petition for Special Leave to Appeal (Civil) No.206 of 2022 (The State of Maharashtra and Others Vs. Prakash Tulshiram Chaudhari)*, sustaining the judgment of this Court dated 24.06.2021 in Writ Petition No. 6396 of 2020 delivered at Aurangabad, to which one of us (Ravindra V. Ghuge, J.) is a party, **these Writ Petitions are allowed.**

7. As has been consistently held by this Court earlier, all retiral and pensionary benefits would be re-calculated by notionally adding the annual increment and the monetary benefits would be available to the Petitioners only for the period of three years preceding the date of filing of the Petitions or as per actuals, whichever is less.

8. Let these arrears be paid within 60 days, failing which the amount of arrears would carry interest @ 5% p.a. from the date of the passing of this order.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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