



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 4991 OF 2024

NARAYAN LAXMAN KATHAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Ms. Anagha Pedgaonkar h/f. Kshirsagar Gajanan K.
AGP for Respondents/State : Ms. Neha Kamble
Advocate for Resp./Z.P : Mr. V.C. Patil h/f. U.B. Bondar
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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 23rd July, 2024

PC. :-

1. The Petitioner has put-forth prayer clause B, as under:

“(B) By issuing writ of Mandamus or any other appropriate writ, order or direction in the like nature, this Hon'ble court may kindly declare that the Govt. Resolution dated 24.08.2017 shall not make be applicable to the Petitioner since the orders of granting additional increments in favour of the Petitioner are as per the provisions of "Fifth Pay Commission" and not as per the "Sixth Pay Commission";

2. Considering that the Ch.Sambhajinagar Zilla Parishad is a Respondent, we requested Shri Bondar to assist the Court, since he is on the panel of advocates of the Zilla Parishad. On our request he has caused an appearance.

3. The issue raised in this Petition is no longer res integra. Vide order dated 14.11.2019, passed in Writ Petition No. 13756 of 2019 with connected

writ petitions, this Court had concluded that the Circular dated 14.12.2006 would continue to apply and the G.R. dated 24.08.2017, would apply prospectively and cannot be granted a retrospective effect. Subsequent to the above, review applications were filed and by judgment and order dated 30.08.2022, in Review Application No. 170 of 2022 and other connected applications, this Court had concluded that there was no merit in the review applications. With a reasoned order, the review applications were dismissed and it was concluded that, the increments can be discontinued vide G.R. dated 24.08.2017, prospectively.

4. In view of the above, **this Writ Petition is partly allowed**. In the event, no increment has been paid to the Petitioner from the date of his eligibility, till the introduction of the Government Resolution dated 24.08.2017, the Petitioner would be entitled to such increment.

5. Needless to state, the employer shall carry out the verification exercise and after considering the record and upon finding that the Petitioner was eligible for increment, shall make such payment, expeditiously and preferably, before 30.09.2024.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]