



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

914 WRIT PETITION NO. 8026 OF 2024

**INDRAJI VYANKTESH HAJARE
VERSUS
THE UNION OF INDIA THROUGH PRINCIPAL SECRETARY AND OTHERS**

.....
Advocate for the Petitioner : Ms.Megha Mali h/f. Shinde Sunita R
GP for Respondents/State : Mr. A.B. Girase
Advocate for Respondents/UOI : Mrs. Sudha Chintamani
.....

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 31st July, 2024**

PC. :-

1. The issue raised in this Petition is that the Petitioner completed his last year of service on 30.06.2011 and stood retired after working hours. One annual increment was payable for completing one year by 30th June. The said increment is not paid by the employer on the ground that on 01.07.2011, the Petitioner stood superannuated.

2. The learned standing counsel for the Union of India has vehemently opposed this Petition. She submits that there is no merit in the contentions of the Petitioner. She also submits that the issue of delay should be considered and purely on the point of delay, the Petition be dismissed with cost of Rs.50,000/-. In the alternative, she submits that the costs may be donated to

the Advocate's Association of the Bombay High Court, Bench at Aurangabad and no interest should be paid to the Petitioner.

3. This issue is no longer *res integra*. In several judgments delivered by this Court, it has been concluded that the concerned employee earns the annual increment for working from 1st July of a particular year to 30th June of the next year. This annual increment is in recognition of completion of one year of service from 1st July of the previous year upto 30th June of the subsequent year. Attaining the age of superannuation on 1st July, does not dent such claim. The Hon'ble Supreme Court had settled the said issue vide a recent judgment delivered on 11.04.2023 in **Director (Admn. and HR) KPTCL and Ors. V/s. C.P. Mundinamani & Ors.; AIR 2023 SUPREME COURT 1956.**

4. Since the issue is no longer *res integra*, **the Writ Petition is allowed.** Since the Petitioner has belatedly approached this Court, akin to several orders that this Court has passed, the Petitioner would be entitled for notional addition of the increment from 30.06.2011 and would be entitled for actual monetary benefits from three years preceding the date of filing of this Petition, which is 26.07.2024. No interest would be payable if the said amount is calculated and paid within 60 days from today, failing which interest @ 6 % per annum, shall be levied for 3 years from the date of filing the Petition.

5. Since the addition of increment has been ordered, the monthly salary of the Petitioner would be notionally re-fixed by addition of the increment and the pension would be re-calculated to be payable from July-2024 onwards considering the filing of the Petition on the said date. The difference in the gratuity will be calculated and will be paid to the Petitioner within 60 days. Same principle shall be applied for earned leave and commutation benefits.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]