



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 REVIEW APPLICATION (CIVIL) NO. 17 OF 2024
IN WP/461/2023

The State of Maharashtra Through its Secretary and others
VERSUS
Gulabrao Ratan More and another

...
A.G.P. for Applicant : Mr. P.K. Lakhotiya .
Advocate for Respondent No.1 : Mr. S. B. Sontakke
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATED : 25th APRIL, 2024.

PER COURT :-

1. Leave to delete the name of Respondent No.2, Mohan Dhonduji Tayade. Deletion be carried out forthwith.
2. We have considered the submissions of the learned advocates for the respective sides. The Respondents have vehemently prayed for dismissal of the Review Application by contending that no error apparent on the face of order, dated 12.01.2023, can be pointed out.
3. In our order dated 12.01.2023, it is apparent that the case of the original petitioner viz. Gulabrao Ratan More was not identical to all other cases, wherein the said candidate had worked from 1st July of a particular year till 30th June of the next year and superannuated on 1st July of that year.

4. In the present case, Gulabrao Ratan More, was granted promotion on 30.3.2013, as an Additional Collector (Selection Grade). For being eligible for the annual increment, payable on 1.7.2013, he had to work for at least six months in view of Rules 10 and 11 of the Maharashtra Civil Services (Revised Pay) Rules, 2009. The Rules mandate that he should have worked for at least six months prior to his retirement on 30.6.2013, so as to be eligible for earning an annual increment. This aspect was not brought to the notice of this Court or canvassed before the Court since the learned advocate for the Petitioners informed the Court that an identical order has to be passed in identical circumstances. Had the case of Gulabrao Ratan More been pointed out, we would not have passed the order keeping in view that the data placed before us, which is recorded in para 2 at Sr. No.7 of internal page 3, indicates a statement that Gulabrao Ratan More was working from 01.07.2012 to 30.06.2013, the fact being that he was working from 1.4.2013 till 30.6.2013 on the promotional post.

5. In view of the above, noticing this apparent error which is on the basis of mis-information or incorrect information, conveyed to the Court, the impugned order dated 12.1.2023, to the extent of Gulabrao Ratan More alone (writ petition No. 461 of 2023) stands recalled. The Review Petition stands allowed.

6. This order would not affect Respondent No.2 herein (Petitioner No.2 in Writ Petition No. 461 of 2023) - Mohan Dhonduji Tayade, whose facts are admittedly undisputed.

7. In view of the above, Writ Petition No.461 of 2023, shall stand restored at the stage at which it was decided, to the extent of Gulabrao Ratan More. Liberty to circulate the petition before the Regular Court.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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