

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14963 OF 2024

Harun Mahmudkha Pathan. ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr. Vishwas Deokar(through VC) a/w. Mr. Vishal Nevshe, for the
Petitioner.

Mr. N.C. Walimbe, Addl. GP a/w. Smt. P.J. Gavhane, AGP for
Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 4th DECEMBER, 2024

P.C. :

1. The issue raised by the Petitioner in this Petition is no
longer *res integra*.

2. This Court has delivered several orders in such matters.
One of them is at page No. 21, to which one of us (Ravindra V. Ghuge, J)
is a party, dated 16th February, 2023 delivered at Aurangabad in Writ
Petition No. 1881 of 2023 (*Govind Gundopant Sonar v/s. The State of*

Maharashtra & others) and a large group of connected matters. An earlier Judgment delivered by this Court at the Aurangabad Bench, to which one of us (Ravindra V. Ghuge, J) is a party, dated 24th June 2021 in Writ Petition No. 6396 of 2020 (***Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others***), has been sustained by the Hon'ble Supreme Court vide order dated 12th January, 2022 in Special Leave to Appeal (Civil) No. 206 of 2022.

3. In the present case, the Petitioner has superannuated after office hours, after performing his duties on 30th June, 2014. He has, thus, completed one year of service from 1st July, 2013 to 30th June, 2014. Therefore, he would be entitled for the benefit of a notional addition of annual increment for the purposes of computing the pension and other retirement benefits.

4. In our order passed in ***Govind Gundopant Sonar*** (Supra) we had observed in paragraph 14 as under :

“14. Pursuant to the above, there have been hundreds of cases filed in this Court and we have been repeatedly passing identical orders in all such cases. Though there is a judicial pronouncement by interpreting the Law applicable, in the peculiar facts of such cases, neither the

establishments are initiating steps to dig out such remaining cases of employees who have not approached the High Court, nor are they appealing to the retired employees to come forward and apply for such benefits. If either of these is done, the litigants like these petitioners would be saved of spending time, energy and money. Filing identical cases for different employees day in and day out, not only increases the litigation pressure on the Court, but also on the lawyers. Moreover, pensioners who are senior citizens and who have retired a decade or 15 years ago, are also required to file such petitions before the High Court. We, therefore, find it appropriate to order as under :-

[a] We direct the Chief Secretary of the State of Maharashtra and Principal Secretary (Finance Department), State of Maharashtra, to issue appropriate directions to all the concerned departments to appeal to such candidates, who fall in such category having retired on 30th June of the particular years and who have earned the annual increment on account of performing work for 12 months ending on 30th June, to tender their applications to the concerned Authorities.

[b] After such applications are received, the concerned authorities would grant the reliefs as are being granted by the various High Courts by restricting the arrears of payments to 3 years preceding the dates of the applications or preceding the date of actual retirement as per actuals, whichever is less. With these guidelines, the concerned authorities shall not reject a single application if it fits into the parameters of the judgments delivered by this Court.

[c] In the alternative, let the concerned authorities suo-moto dig out such cases and after scrutinizing the same as regards their entitlement, proceed to grant the benefits as per the judgments of this court, within 120 days.

[d] While undertaking the above exercise, the gratuity/pay

fixation/ pension will be re-calculated, so as to be paid to the candidates with arrears as directed above.”

5. For the reasons set out and the directions reproduced above, which would be squarely applicable to the case of the present Petitioner, this **Writ Petition is partly allowed**. We record that the monetary benefits would be restricted only for a period of 3 years preceding the date of the filing of the Petition.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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by ARUNA
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