



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1620 OF 2020

Dr. (Mrs.) Veena Vandan Mohod,
Aged about 65 years,
Occupation – Retired Principal,
R/o “Vyasang”, Khedkar Nagar,
Akola, Tahsil and District Akola.

.... **PETITIONER**

VERSUS

- 1) The State of Maharashtra,
through Secretary, Department
of Higher Education, Mantralaya,
Mumbai – 32.
- 2) The Director of Higher Education,
Central Building, Pune.
- 3) The Joint Director of Higher Education,
Vidarbha Mahavidyalaya Campus,
Amravati Division, Amravati.
- 4) Smt. Radhadevi Goenka College
for Women, Akola, Tahsil and District
Akola, through its Principal, Savatram
Bungalow, Akola-440001.

.... **RESPONDENTS**

Mr. Shantanu Khedkar, Counsel for the petitioner,
Ms. Deepali Sapkal, AGP for respondents 1 to 3.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 5th JANUARY, 2024

ORAL JUDGMENT : (Per : Abhay J. Mantri, J.)

Heard. **Rule.** Rule made returnable forthwith.

2. The petitioner is claiming that he is entitled to one notional annual increment for the completion of one year of service from 01-7-2015 to 30-6-2016 and the revision of his pay, pension, and consequential benefits accordingly.

3. From 15-11-1991 the petitioner was appointed to the post of Lecturer in English in respondent No.4-College. Thereafter on 1/04/2009, he was appointed as a principal and his appointment was approved by the Vice-Chancellor. Till 30-6-2016 he continued as a principal. On that day he retired. Therefore, it is contended that he had completed one year of service from 01-7-2015 to 30-6-2016 and therefore, he is entitled to one notional increment falling on 01-7-2016. However, despite he has made representation to respondent No. 3, the same was neither considered nor granted him the notional increment and therefore, he has preferred this petition.

4. Mr. Shantanu Khedkar, learned Counsel for the petitioner states that the facts of this petition are identical to the facts in the Writ Petition No. 5864/2019, hence same are squarely covered by the judgment dated 02-3-2022 passed in Writ Petition No. 5864/2019 (Pandurang Vithobaji Dhumne and others v. State of Maharashtra and

others). Therefore, he submitted that the petitioner is entitled to one notional increment falling on 01-7-2016.

5. Ms. Deepali Sapkal, learned Assistant Government Pleader for respondent Nos. 1 to 3 does not dispute the aforesaid position. However, she fairly submitted that in pursuance of the orders of this Court, respondent No.1-State Government has issued the Government Resolution dated 28-6-2023. She has placed a copy of said GR on record.

6. Despite the service of notice, none appears for respondent No.4.

7. Perused the judgment passed in Writ Petition No. 5864/2019 and the Government Resolution dated 28-6-2023. It reveals that the facts and issues in the present petition are identical to the facts and issues in Writ Petition No. 5864/2019. The Division Bench of this Court has allowed W. P. No. 5864/2019 and directed respondent No.4-Zilla Parishad to grant one notional annual increment to the petitioners therein within a period of two months from the receipt of the copy of the order. Therefore, in our view, based on the judgment passed in Writ Petition No. 5864/2019, the petitioner is entitled to the relief as claimed.

8. Moreover, respondent No.1-State Government has issued the Government Resolution dated 28-6-2023 and thereby directed the concerned authorities to grant one notional annual increment to the employees who fall in such category having retired on 30th June of the particular year. In the case in hand, admittedly the petitioner retired on 30-6-2016 which means he has completed his one year of service, therefore, as per the dictum laid in Writ Petition No. 5864/2019 and the Government Resolution dated 28-6-2023, the petitioner is entitled to one notional annual increment falls on 01-7-2016.

9. Having considered the aforesaid discussion, we deem it appropriate that the petitioner is entitled to the relief as claimed as he had completed his one-year service on 30th June 2016.

10. The Writ Petition is, therefore allowed in terms of prayer clause (i).

11. Respondent No.3 is directed to take all necessary steps for granting a notional annual increment to the petitioner within a period of two months from the date of receipt of a copy of this judgment.

It is made clear that the petitioner would be entitled to receive all consequential benefits accordingly.

12. Rule is made absolute in the aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

adgokar