



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1142 WRIT PETITION NO. 8177 OF 2023
WITH
CIVIL APPLICATION NO. 13089 OF 2024 IN WP/8177/2023

BABAN NARAYAN FULARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY

...
Ms. Suchita S. Upadhyay – Advocate for Petitioner
Mr. S.D. Ghayal – AGP for Respondents, State
...

CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.
DATE : 22.08.2025

PER COURT :

1. In this petition, while considering Civil Application No. 13089 of 2024 on 01.07.2025, this Court made the following observations :

7. In such a situation, we hold that the petitioner is indeed entitled to two advance increments as noted herein above and the only limited question that now remains for consideration is, as to whether the petitioner is justified in contending that actual benefit of such advance increments was never given to him.

8. The reply affidavit on record does not clarify the position in respect of the said question. In that light the respondent No.3 shall file an Additional Affidavit within two weeks from today and state, as to whether actual benefit of the aforesaid two advance increments was granted to the Petitioner or not. This

would assist this Court in final disposal of the Petition on the next date of hearing.

2. In that light of the aforesaid observations, an additional affidavit dated 12.07.2025 has filed on behalf of respondent No.3. The relevant portion of the said additional affidavit reads as follows :

2. I say and submit that, this Hon'ble Court vide order dated 01.7.2025 has directed this respondent to file additional affidavit clarifying as to whether actual benefit of the two advance increments were granted to the petitioner or not. In this respect I say and submit that, one advance increment from 01.10.2001 was already granted to the petitioner vide order dated 21.09.2002 by this respondent. The said order was further implemented and accordingly entry to that effect also came to be recorded into the service book of petitioner. Here to annexed EXHIBIT R 1 are (collectively) the copies of order dated 21.09.2002 passed by respondent No.3 and the relevant page of the service book of the petitioner.

3. I say and submit that, the another benefit of advance increment from the year 2002 was not granted to the petitioner since the name of present petitioner was not selected and recommended by district committee before respondent No.3 for granting the benefit of advance increment for the outstanding performance. However in the light order dated 01.07.2025 passed by this Hon'ble Court in the instant writ petition referring order dated 17.10.2024 passed in W.P. no. 10706/2024 and 10296/2024 by division bench of this Hon'ble Court at the Principal Seat, the present respondent is taking

step for grant of benefit and implementation of second advance increment to the petitioner within three months.

3. The above quoted portion of the additional affidavit clearly shows that one advance increment was paid, and that respondents are in the process of granting the benefit of the second advance increment to the petitioner within three (3) months.

4. The above quoted portion of the additional affidavit not only satisfies the prayers made in the Civil Application but also the petition itself.

5. In view of the above, the Writ Petition as well as Civil Application are disposed of.

6. Needless to say, the respondent No.3 shall abide by the statement made in paragraph No.3 of the additional affidavit quoted hereinabove, and the second advance increment shall be paid to the petitioner within three (3) months from 12.07.2025.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)