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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 529 OF 2025

ANIL EKNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
17 WRIT PETITION NO. 578 OF 2025

TARA BISANRAO PANDIT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.S.B.Sontakke, Advocate for the petitioners.
Mr.M.S.Sonawane, Standing Counsel for respondent Nos. 3 and 4.
Mr.M.K.Goyanka and Mr.S.R.Wakale, AGPs' for the respondent/State.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : FEBRUARY 11, 2025

PER COURT :

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1. Mr.Sonawane waives service of notice on behalf of respondent No.3 and 4. We have heard both the sides finally.
2. The petitioner was being paid advance increment for the

excellent work rendered by him in accordance with the policy that was prevalent in the year 2008.

3. By the impugned communication dated 01.07.2020 and by referring to the GR dated 24.08.2017, the decision has been taken to stop payment of such advance increments.

4. In several matters, this Court has held that the Government Resolution dated 24.08.2017 would not have retrospective application, so as to adversely affect the employees, who were already granted and were receiving advance increment for excellent work. We may simply refer to the few decisions in the matters of **Dattatray Yashwant Pansanre and others Vs. State of Maharashtra and others**, WP No.9967/2021 and connected matters decided on 06.10.2022 and **Dhananjay Bhujangrao Jagdale Vs. The State of Maharashtra and others** in WP No.14875/2023, decided on 07.12.2023.

5. In the light of the above and for the aforementioned reasons, we concur with both these decisions and allow WP No.529/2025 with a direction to the respondents to restore the benefits

of advance increments in favour of the petitioner and he may be paid the arrears for the period of 3 years next before the filing of the petition on 25.09.2024 in the light of *Union of India and others Versus Tarsem Singh [(2008) 8 SCC 648]*.

6. Arrears shall be paid as expeditiously as possible and in any case within 8 weeks.

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7. The petitioner shall provide spare copies within one week. If the copies are supplied, issue notice to respondent Nos. 3 and 4, returnable on 25.03.2025.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)