



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 11369 OF 2023
WITH
CIVIL APPLICATION NO. 12777 OF 2024
IN WP/11369/2023**

**JAYANT RAMRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...
Ms.Suchita Satish Upadhyay, Advocate for the Applicant.
Shri V.M. Kagne, AGP for Respondent Nos.1 to 5/State.
...

**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 28th February, 2025

Per Court :-

Heard both sides.

2. Leave granted to amend the petition including prayer clauses. Amendment be carried out forthwith.

3. The petitioner is questioning recoveries made from his pension and consequential other monetary benefits, post retirement on the ground of wrong/ over payment of two increments while he was still in service and which were awarded to him for the excellent work in the light of the extant

government policy. Even the pension has been fixed overlooking these two increments. He is seeking to rely upon *inter alia* consistent view taken by this Court in several matters wherein, referring to the Government Resolution dated 24.08.2017, increments have been stopped and recoveries have been either made or ordered.

4. The parties are *ad idem* that the issue is no longer *res integra*. Latest decision in the matter of ***Arjuna Shamrao Patil and others vs. State of Maharashtra and others***, Writ Petition No.10706/2024 decided at the principal seat on 17.10.2024, governs the fact situation in the matter in hand.

5. Since the increments granted to the petitioner were abruptly stopped by the Government Resolution dated 24.08.2017 which is held to be not applicable retrospectively, the petition deserves to be allowed.

6. The Writ Petition is allowed. Recoveries made shall be refunded to the petitioner as expeditiously as possible and in any case within eight weeks, else, the amount shall carry simply interest at the rate of 6% per annum till the entire amount is refunded. The respondents shall undertake re-fixation of pension

being paid to the petitioner by including those two increments.
Revision shall take place as expeditiously as possible and in any
case within twelve weeks.

7. The Civil Application is also disposed of.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)