



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

**CIVIL APPLICATION NO. 805 OF 2025
IN WP/4616/2021
WITH
WRIT PETITION NO. 4616 OF 2021**

**UTTAM NARHARI GHODKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Shri Bhosale Sanjaykumar B., Advocate for the Applicants/
Petitioners.

Shri Amar V. Lavte, AGP for Respondent Nos.1 to 5/State.

Shri Sunil Kaldate, Advocate for respondent Nos.6 to 8.

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

DATE : 20th January, 2025

Per Court :-

(a) Civil Application No.805/2025

This is an application seeking to bring on record the
legal representatives of the original petitioner No.3 (Vijaykumar
Govindrao Deshmukh).

2. We have heard both the sides.

3. The prayer is innocuous, the Civil Application is

allowed as prayed for. Amendment be carried out forthwith.

(b) Writ Petition No.4616/2021

4. We have heard both the sides even in respect of the writ petition.

5. The petitioners were granted advance increments pursuant to the government policy and by order dated 22.05.2009 they were initially paid the increments, but those were stopped suddenly in the light of the subsequent Government Resolution dated 24.08.2017.

6. The sustainability and applicability of the Government Resolution dated 24.08.2017 is no longer *res integra*. In number of matters including Writ Petition No.1954/2018 (***Urmila Dattatraya Gaikwad and others vs. The State of Maharashtra and others***) decided on 25.01.2019, this Court has held the said Government Resolution to be operating only prospectively and would not apply to such of the employees who were already granted increments for excellent work.

7. The Writ Petition is allowed. It is declared that the

Government Resolution dated 24.08.2017 is not applicable to the petitioners' case. The increments awarded to them shall not be withdrawn and the recoveries made pursuant thereto shall be refunded to them as expeditiously as possible and in any case within eight weeks, else, the money would carry interest at the rate of 6% per annum.

kps

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