

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8377 OF 2022

Sharad Motiram Desai & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Dheeraj Patil for the Petitioners.

Mr. A.A. Naik, A.G.P. for the Respondent Nos.1 to 3-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 6th October 2025.

P. C. :

1. Heard learned counsel for the Petitioners and the learned A.G.P. for the Respondent Nos.1 to 3-State.
2. The Petitioner's case is squarely covered by the decision of this Court in the case of *Shri Appasaheb M. Mali & Ors. Vs. State of Maharashtra & Ors.*¹. In para No.17 of the said decision, this Court has issued following directions :

1 Writ Petition (St.) No. 3532 of 2021, dated 24th March 2021

“17. It is observed that the issue of challenge to Circular dated 3rd July, 2009 and G. R. dated 24th August, 2017 issued by Respondent No.1 – State Government in this Petition, having already been decided by this Court in the case of Uday J. Godave (supra) as well as the other decisions of this Court referred to above. Being in respectful agreement with the same, the Petitioners being similarly placed, we pass the following order:-

(a) Respondents are directed to accord the benefit of advance increments granted to the Petitioners as per the policy of the Respondent-State dated 11th February, 1974 and 31st October, 1989 in the revised Sixth Pay Scale without giving any effect of subsequent Circular dated 3rd July, 2009 and G. R. dated 24th August, 2017.

(b) Recovery, if any, made pursuant to the Circular dated 3rd July, 2009 or G. R. dated 24th August, 2017 from the Petitioners shall be refunded to them.

(c) Rule is accordingly made absolute in the above terms.

(d) No order as to costs.”

3. The order dated 24th March 2021 was challenged by the State Government before the Hon’ble Supreme Court by way of S.L.P, which came to be dismissed. The Chief Executive Officer therefore came out with the revised order dated 11th September 2025 indicating that necessary action be taken by the Zilla Parishad, Kolhapur in terms of

what is contained in the revised order dated 11th September 2025.

4. The Petitioners are similarly situated as the Petitioners in Writ Petition (St.) No. 532 of 2021, who are covered by the revised order dated 11th September 2025 issued by the Chief Executive Officer, Zilla Parishad, Kolhapur.

5. We accordingly direct that in terms of the revised order dated 11th September 2025 issued by the Chief Executive Officer of the Zilla Parishad, Kolhapur, even the Petitioners case be processed for grant of advance increments and the benefits thereon within a period of 16 weeks from the date of communication of the present order.

6. Petition is disposed off in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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