

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 14 OF 2025
IN
WRIT PETITION NO. 10296 OF 2024**

Satish Nana Barage & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

**AND
REVIEW PETITION NO. 15 OF 2025
IN
WRIT PETITION NO. 10706 OF 2024**

Arjuna Shamrao Patil & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

....

Ms.Pradnya Talekar with Ms.Madhavi Ayyappan, Ms.Shivali Tikate and
Mr.Tushar Wankhede i/b. Talekar & Associates for the Petitioners in
both the Petitions.

Mr.B.V.Samant, Addl.GP with Mr.M.M.Pabale, AGP for the
Respondent- State.

....

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 24th April, 2025

P.C.:

1. We have considered the extensive submissions of the
learned Advocate for the Original Petitioners and the learned Addl.GP.

With their assistance, we have gone through various judgments passed

by this Court in relation to the Government Resolution (GR) dated 24th August, 2017.

2. In catena of judgments, the said GR is held to be applicable prospectively qua the benefits of the advance increments payable by virtue of the GRs dated 11th February, 1974 and 31st October, 1989. It is crystallized that after the introduction of the GR dated 24th August 2017, any advantage derived by the beneficiaries would be reflected in their salary scale.

3. Vide the judgment dated 1st April, 2021 delivered by this Court in Writ Petition No. 941 of 2021 (***Shri Madan Sadashiv Edake & Ors. Versus The State of Maharashtra & Ors.***), this Court has specifically concluded in paragraph 15, as under :

“15. 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, has already been decided by this Court in the case of Uday J. Godave (supra) and Shri Appasaheb M. Mali (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 11 February, 1974 and 31 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.”

4. We find that while deciding the Writ Petition Nos. 10706 of 2024 (*Arjuna Shamrao Patil & Ors. Versus State of Maharashtra*) and 10296 of 2024 (*Satish Nana Barage & Ors. Versus State of Maharashtra*), we have reproduced prayer clauses (b), (c) and (d) below paragraph 1 of our final order dated 17th October, 2024. Vide prayer clauses (c) and (d), the GR dated 15th December, 2022 and the order dated 19th December, 2022 were sought to be questioned.

5. After considering the submissions of the learned Advocates for the respective sides, we find that the said GR dated 15th December, 2022 needs to be scrutinized in the light of paragraph No. 15 reproduced above from the order passed in *Shri Madan Sadashiv Edake & Ors. (supra)*.

6. The learned Advocate for the Petitioners is *prima facie* correct in contending that this Court had directed that the benefits should be calculated as per the revised 6th Pay Commission Scale. Per contra, what has been subscribed in the GR dated 15th December, 2022 is the payment @ 5th Pay Commission scales.

7. In view of the above, we are convinced that the order dated 17th October, 2024 deserves to be recalled in order to evaluate prayer clauses (c) and (d), since prayer clause (b), pertaining to the GR dated 24th August, 2017, is already covered.

8. As such, **both these Review Petitions are partly allowed.** The order dated 17th October, 2024 passed in Writ Petition Nos. 10706 of 2024 and 10296 of 2024, stands recalled. Both the Writ Petitions are restored to the file.

9. Registry to place both these Writ Petitions before the Regular Bench for adjudication.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)