



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4816 OF 2024

Sunil s/o Narhar Bhawar,
Age 56 years,
Occupation-Service,
A/p. Audumbar, Teachers Colony,
Ramnagar, Chikhli,
Tq. Chikhli, Dist. Buldhana.

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Petitioner

..Versus..

1. The State of Maharashtra,
Through its Secretary,
Rural Development &
Water Conservation Department,
Mantralaya, Mumbai-400 032.
2. The State of Maharashtra,
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai-400 032.
3. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai-400 032.
4. The Divisional Commissioner,
Amrawati, Tq. & Dist. Amrawati.
5. Zilla Parishad, Buldhana,
Tah. and District-Buldhana,
Through its Chief Executive Officer.
6. The Education Officer (Primary),
Zilla Parishad, Buldhana,
Tq. & Dist. Buldhana.

7. The Chief Executive Officer,
Zilla Parishad, Akola.
Tq. & Dist. Akola.
8. The Education Officer (Primary),
Zilla Parishad, Akola,
Tq. & Dist. Akola.
9. Zilla Parishad, Washim,
Tq. And Dist. Washim,
Through it's Chief Executive
Officer. .. Respondents

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 Shri Shivkumar K. Mathpati, Advocate for Petitioner.
 Shri G.S. Umale, AGP for Respondent Nos.1 to 4/State.
 Ms. H.N. Jaipurkar, Advocate h/f Mr. B.N. Jaipurkar, Advocate for
 Respondent Nos.5 and 6.
 Shri Mangesh Bute, Advocate for Respondent Nos.7 and 8.
 Shri Milind G. Rathi, Advocate for Respondent No.9.

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CORAM : SMT. M.S. JAWALKAR, AND
PRAVIN S. PATIL, JJ.
DATED : AUGUST 08, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of learned Counsel for the parties, the matter is taken up for final disposal.

2. In the present petition, the communication dated 06.02.2024 is under challenge on the ground that Respondent No.6 refused to provide the benefit of additional increment in terms of District Awardee Teacher to the petitioner.

3. The brief facts of the present petition can be stated as under :

The petitioner was undisputedly appointed as an Assistant Teacher in Zilla Parishad, Panchayat Samiti, Manglur Zanak, Tahsil - Risod, District - Akola on 28.08.1991 by Respondent No.7. During his tenure as a Teacher, he was awarded District Awardee Teacher in the month of September, 1996 in terms of policy framed by the State Government, vide Circular dated 12.12.2000.

It is stated that this Circular was made applicable to the entire State of Maharashtra and particularly for those teachers whose work found excellent in the School and in District.

The services of the petitioner were transferred by following due procedure of law from Zilla Parishad Akola to Zilla Parishad Buldhana, vide order dated 03.06.1998. The said order of transfer simply states that the petitioner's services are transferred to Zilla Parishad Buldhana. No conditions were stipulated about the service conditions about his entitlement and dis-entitlement in the transfer order.

It is stated that till the date of transfer, the petitioner was not accorded the benefit of additional increment in terms of Government Circular dated 12.12.2000, therefore, petitioner was agitating his grievance before Respondent No.6. In terms of his consistance request, Respondent No.6, by impugned communication dated 06.02.2024, refused to grant one additional increment on the ground that the District Awardee Teacher was granted to the petitioner when he was working in Zilla Parishad Washim (erstwhile Zilla Parishad Akola) and, therefore, said benefit cannot be continued/granted by Zilla Parishad Buldhana. In the background of this factual position, petitioner filed present petition.

4. Per contra, Respondents strongly supported the impugned communication by stating that the Award given to the petitioner being a District Teacher Award' the same is applicable to the District in which he was given such Award. Hence, Zilla Parishad Buldhana, who has never conferred any such Award to the petitioner, he is not entitled for the benefit of additional increment in terms of Award from Zilla Parishad Buldhana.

5. We have heard the respective counsel in the matter and perused the entire record made available to us.

6. It is pertinent to note that the bare perusal of Circular dated 12.12.2000, nowhere made distinction that particular Zilla Parishad or particular employer will grant benefit of additional increment to the District Awardee Teacher. It is only stated that the teacher, who was conferred with District Awardee Teacher, will be entitled for the additional increment in addition to the regular early increment. Therefore, there is no justification on the part of Respondent No.6-Zilla Parishad, Buldhana to deny the benefit of additional increment, merely because same was conferred to the petitioner by Zilla Parishad Washim (erstwhile Zilla Parishad Akola).

7. It is well settled position of law that the transfer is an incident in service. The respondents, by following due procedure of law, transferred the services of petitioner in the year 1998 from Zilla Parishad Akola to Zilla Parishad Buldhana. There is no condition stipulated in the transfer order that the petitioner, who was given service benefits by Zilla Parishad

Akola, would not be continued after transfer to Zilla Parishad, Buldhana. According to us, the transfer means the employee who was entitled for service benefits before the date of transfer, will remain continued to the employee even after his transfer. Hence, denying of benefit to petitioner merely because his services are transferred from one District to other is contrary of the settled principles of law. Hence, impugned order is not sustainable in the eyes of law.

8. It is not in dispute that this court in catena of cases consistently held that the District Awardee Teachers are entitled for the benefit of additional increment in addition to the regular increment. Not only this, in one of the judgment which was carried before the Hon'ble Supreme Court in Special Leave to Appeal No.19730/2021 decided on 13.04.2022, it was observed as under :

"It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018".

9. Hence, in the light of above said factual and legal position, we are of the considered opinion that impugned order dated 06.02.2024 being bad in law is liable to be quashed and set aside. Hence, we pass the following order :

O R D E R

(i) The writ petition is allowed.

(ii) The impugned order dated 06.02.2024 passed by Respondent No.6-Education Officer (Primary), Zilla Parishad, Buldhana is hereby quashed and set aside.

(iii) Respondent Nos.5 and 6 are hereby directed to release the benefit of one additional increment to the petitioner as per his entitlement in terms of Government Circular dated 12.12.2000 from the date on which the petitioner has been awarded District Awardee Teacher with all consequential service benefits including arrears within a period of six months from the date of receipt of this order.

10. Rule is made absolute in the above terms. No costs.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)