



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

WRIT PETITION NO. 1348 OF 2024

Pradeep s/o Madhukar Panchwatikar

Vs

State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anant Neware, counsel for petitioner.

Ms. T.H.Khan, AGP for respondent Nos. 1 to 3.

Dr. Renuka Sirpurkar, counsel for respondent Nos. 4 and 6.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE : 16/12/2025

1. Heard learned counsel for the respective parties.
2. By way of present petition, a prayer is made to set aside objection dated 18/9/2023 raised by the Respondent No.6, and further to confirm the office order dated 25/07/2023 passed by the Respondent No.4, whereby one advance increment was included in the pay scale of the petitioner. A consequential prayer is also made for grant of other pensionary benefits, such as gratuity, commutation value, encashment of unutilized earned leave, and revision of the pension case with effect from 01/10/2007. The petitioner has further prayed for a declaration that Government Resolution (G.R.) dated 15/12/2022 is not applicable to his case.
3. According to the petitioner, he worked as Registrar of the Family Court, Nagpur, and retired on 30/06/2008. He submits that there existed a scheme for awarding one or two advance increments to government servants for outstanding or excellent work. According to him, the said scheme continued even after 01/01/2006, when the 6th

Pay Commission came into force. The petitioner states that on 30/08/2007, he was granted one advance increment in the pay scale. He further submits that after the implementation of the revised pay scales under the Rules of 2009 pursuant to the 6th Pay Commission, his pay was again fixed by the office of Respondent No. 4. However, the advance increment granted with effect from 01/10/2007 by the Hon'ble High Court was not considered during such fixation. In this background, the petitioner has sought the reliefs as stated hereinabove.

4. In response to the notice, Respondent Nos. 4 and 6 filed their reply, stating that the petitioner's application for pay fixation with one advance increment, as per the judgment passed in Writ Petition No. 9591 of 2019 by this Court at Aurangabad, was allowed by the office of Respondent No. 1 vide order dated 25/07/2023. Accordingly, the petitioner's pay was fixed by including one advance increment, and a corresponding entry was made in the petitioner's service book.

5. Respondent Nos. 4 and 6 further contended that the petitioner's service book was forwarded for verification to the office of Respondent No. 5, namely the Joint Director, Accounts and Treasury Pay Verification Unit, Civil Lines, Nagpur. The said office raised an objection and returned the service book along with an objection slip dated 25/08/2023. According to respondent Nos. 4 and 6, since the said action of Respondent No.5 is under challenge, it is Respondent No.5 who is required to justify its stand..

6. On 07/10/2025, an affidavit-in-reply on behalf of Respondent No. 5 was filed, stating that the Deputy Secretary, Finance Department, had conveyed, vide communication dated 05/06/2024, to the office of the Joint Director, Accounts and Treasury, Mumbai, that

the State Government was taking steps to file a Special Leave Petition against the judgment **dated 06/09/2022** passed by this Court at Aurangabad in the case of ***Sudhir Khanu Potdar and Others vs. State of Maharashtra and Others*** (Writ Petition No. 12866 of 2019).

7. Respondent No. 5 further stated that directions were issued that recovery of the advance increment already paid to the concerned employee should not be effected.

8. During the course of hearing, learned A.G.P. brought to the notice of this Court a communication dated 18/11/2025 issued by the Deputy Director, Directorate of Accounts and Treasury, Mumbai, which directs all Joint Directors to take action in accordance with the judgment dated 06/09/2022 passed in Writ Petition No. 12866 of 2019. The said document is taken on record and marked as Article-X for identification.

9. Thus in view of the above, it is crystal clear that now the directions are given to comply with the order passed in the aforesaid writ petition. It is necessary to mention here that, the above said Writ Petition No. 12866 of 2019 was decided along with other connected matters by this Court at Aurangabad vide judgment dated 06/09/2022, the relevant portion of which are reproduced below :-

“5. Thus it is now a well settled position that the scheme of grant of advance increments was discontinued for the first time by Government Resolution dated 24.08.2017 and that such decision would operate only prospectively.

6. We, therefore, dispose of the petitions by declaring that the Government Resolution dated 24.08.2017 would apply prospectively. Petitioners, who became due and eligible for grant of advance increments for outstanding work prior to 24.08.2017, would be entitled

to grant of the same. Such of the petitioners who are yet to be granted the actual benefits of advance increments may be granted such benefits. In respect of those petitioners who were already granted advance increments and in respect of whom recoveries have been effected or sought to be effected, such action of recovery is set aside. Consequential benefits be paid to respective petitioners within a period of eight weeks from today.”

10. In the aforesaid background, the petition is **allowed**.

11. Needless to mention that respondent authorities shall act in compliance with the order dated 06/09/2022 passed in Writ Petition No. 12866 of 2019, expeditiously.

12. In that view of the matter, the writ petition is **disposed of** accordingly.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)