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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14957 OF 2026

Yadav Marotirao Jadhav PETITIONER

VERSUS

The State of Maharashtra and Others RESPONDENTS

.....

Mr. Y. G. Birajdar, Advocate for the Petitioner
Ms. N. B. Kamble, AGP for Respondent - State

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WRIT PETITION NO.14977 OF 2026

Kaleemuddin Badiuddin siddique
Mohd Badiuddin & Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

.....

Mr. P. B. Jadhav, Advocate for the Petitioners
Mr. S. R. Wakle, AGP for Respondent - State

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WRIT PETITION NO.9760 OF 2026

Haribhau Limbaji Kedar PETITIONER

VERSUS

The State of Maharashtra and Others RESPONDENTS

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Mr. S. R. Kedar, Advocate for the Petitioner
Mr. N. D. Batule, AGP for Respondent - State

.....

WRIT PETITION NO.15406 OF 2026

Ramdas Shivaji Magre and Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

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Mr. P. B. Jadhav, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for Respondent - State

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[CORAM : NITIN B. SURYAWANSHI, &
ABASAHEB D. SHINDE, J. J.]

DATE : 28th OCTOBER, 2026

ORDER :

1. Indisputably, the issue raised in these petitions is squarely covered by the decision at Principal Seat of this Court in Writ Petition No.12665 of 2025. In the said order, this Court, has quoted observations of the Co-ordinate Bench, in the case of ***"State of Maharashtra and Another V/s Rupchand Narayan Shinde and Others"*** in Review Application (Civil) No. 170 of 2022, which read thus:

> *"12. After having heard learned Counsels at length, we find that the review applicants have not been able to point out any specific instructions issued prior to 24.08.2017/04.09.2018 for discontinuation of the schemes for grant of advance increments. Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 do not indicate that any final decision was*

taken for discontinuation of schemes for advance increments. We proceed to examine the Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 in details.

13. Government Resolution dated 27.02.2009 came to be issued by the State Government essentially for conveying the decision of the State Government about acceptance or otherwise of various recommendations made by the Hakim Committee constituted for implementation of recommendations of the 6th Central Pay Commission. In Annexure to the said Government Resolution, each recommendation and decision of the State Government thereon have been enumerated. So far as the scheme for advance increment is concerned, the same is to be found at serial number 27 of the Annexure (para 3.24 of Committees Report). In that paragraph, the Committee recommended that for employees / officers rendering outstanding service, increment @ 4% be awarded instead of 3% and such increment be granted once in 5 years. It was further recommended that since increment at higher rate was being granted, the then existing scheme for grant of

one or two advance increments be discontinued. However, in the column 'Decision of State Government' against para 3.24, remark is made stating that 'separate action would be taken by General Administration Department'. As against various other recommendations, the remark 'accepted' has been made. The recommendation made in para 3.24 by the Hakim Committee was not accepted at least on the date of issuance of Government Resolution dated 27.02.2009 and General Administration Department was to take decision thereon separately. Thus, it cannot be inferred that any specific decision was taken by the State Government on 27.02.2009 for discontinuation of scheme for grant of advance increment. Therefore, we do not find that the orders under review need to be disturbed on the basis of the Government Resolution dated 27.02.2009.

14. Now, we come to the Circular dated 03.07.2009. By the said Circular, it was directed that the issue of discontinuation of scheme for grant of advance increment was under consideration with the State Government and that some time was required for

taking final decision. Therefore, it was further directed that temporarily the pay fixation of the employees in the 6th Pay Commission scales be made without considering the advance increments. Thus, the Circular dated 03.07.2009 was clearly issued as a temporary measure. The said circular did not communicate any decision to the effect that the State Government discontinued the scheme for grant of advance increments. Therefore, we find that the reliance of Mr. Dixit on the Circular dated 03.07.2009 is again of no avail.

15. We have carefully gone through the Government Resolution dated 24.08.2017 and Circular dated 04.09.2018. By the Government Resolution dated 24.08.2017, final decision came to be taken in respect of recommendation made by the Hakim Committee in para 3.24 of its report directing that during the period from 01.10.2006 to 01.10.2015 when revised pay scale as per 6th Pay Commission were admissible, the benefit of advance increments should not be granted. Thus, the final decision on para 3.24 of Committees Report was taken by the State Government only on

24.08.2017. However, instead of simply directing that the scheme for grant of advance increments is discontinued, the State Government sought to give retrospective effect to its decision by directing that the benefit of such advance increments be not given during the period form 01.10.1006 to 01.10.2015. While issuing such orders having retrospective effect, the State Government lost sight of the fact that several employees were already granted the benefit of advance increments during the relevant period. As we have observed earlier, the deliberations for discontinuation of the scheme started only on 27.02.2009 / 03.0.2009 and prior to that, admittedly, the issue of discontinuation of the scheme for grant of advance increment was not even under consideration. The instructions for temporarily doing pay fixation without advance increments were issued on 03.07.2009. This means that several employees must have already been granted advance increments during the period from 01.10.2006 to 03.07.2009. We, therefore, fail to comprehend as to how the State Government could have issued directions on 24.08.2017 that the benefit of advance increments should not be granted from

01.10.2006 onwards. Even in respect of employees becoming eligible for grant of advance increments after 27.02.2009, we do not find any error in the view taken by this Court that the Government Resolution dated 27.08.2017 would only have prospective effect."

2. This Court, therefore, held that it is now well settled position that the scheme of grant of advance increments was discontinued for the first time by the Government Resolution, dated 24/08/2017 and that, such decision would only operate prospectively.

3. In view of aforesaid, we dispose of the Writ Petitions by declaring that the, Government Resolution dated 24.08.2017 would apply prospectively. The Petitioners are held to be eligible for grant of advance increments for outstanding work, prior to 24/08/2017. Since the Petitioners are not claiming interest, all consequential benefits be calculated by adding up the said advance increments. Since the Petitioners are superannuated, all consequential benefits post recalculation be paid to him, within 90 days.

[ABASAHEB D. SHINDE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE