IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13569 OF 2026

RAMESH SAWALARAM DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
...
Mr. Shriram S. Sarda, Advocate for the Petitioner
Mr. S. R. Wakle, AGP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

DATE : 05th OCTOBER, 2026

PER COURT :

1. By this petition, the petitioner seeks directions to the respondent Authorities to grant him notional / annual increment which was due on 01st July i.e. after his retirement, as he has served with good conduct for more than six months in a year. Further direction is sought to recalculate his retirement benefits by including annual increment and all the consequential service benefits.

2. Learned advocate for petitioner submits that the petitioner is in fact seeking the benefit of Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009.

3. The issue raised by the petitioner is no longer *res integra*. Under the 6th Pay Commission, the year for accounting the annual increments is from 1st July up to the 30th day of June of the next year. The issue as to whether a candidate would be entitled for

such increment if he/she superannuates on 30th June, was dealt with by several Courts.

4. The judgment dated 4th May, 2022 delivered by this Court in Writ Petition No. 14632 of 2021 *[Balaji Manikrao Biradar vs. State of Maharashtra & Others]*, led to the conclusion that since this increment is not an advance increment, but is an increment which is payable after completing one year of employment, notwithstanding that a candidate superannuates after office hours on 30th June, he is deemed to have earned the annual increment and, therefore, the increment is payable.

5. Several orders/judgments delivered by this Court were assailed before the Hon'ble Supreme Court and the same have been sustained. A large bunch of cases were taken up for adjudication by the Hon'ble Supreme Court in ***Director (ADMN. and HR) KPTCL vs. V. C. P. Mundinamani***, reported in ***AIR 2023 SC 1956*** and it was concluded that the said increment is earned by an employee for working over one year and hence, the employee is entitled to an increment even if he/she retires on 30th June of a particular year.

6. Insofar as cases wherein an employee may have worked for a lessor duration during one year, Rule 10 of the Maharashtra Civil Services (Revised Pay), Rules, 2009 would cover cases of employees who have worked for six months and above in the revised pay structure as on 1st July, and would also be entitled for the increment. All those employees who have worked for six months

and above in a particular year, would be entitled for the benefits of the annual increment and his retirement dues would be calculated by reckoning such increment while calculating his last drawn wages.

7. In view of the above, the Writ Petition is partly allowed with following directions:-

(a) The petitioner would be entitled for monetary benefits/difference of pensionary benefits as per the actuals w.e.f. from his respective date of superannuation, provided he has worked for 6 months or more in the last year up to his superannuation.

(b) The pensionary benefits of the petitioner would be recalculated by including the annual increment in his last drawn salary prior to his superannuation and such recalculated pensionary benefits shall be payable to him.

(c) Arrears if any, shall be paid to the petitioner within a period of 90 days. If the petitioner has approached belatedly before this Court, akin to the orders passed in several matters, he would be not entitled for the interest component.

(ABASAHEB D. SHINDE, J.) **(NITIN B. SURYAWANSHI, J.)**