



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 WRIT PETITION NO. 1147 OF 2026

The State Of Maharashtra Through Its Additional Chief Secretary,
General Administration Department

VERSUS

Pralhad Lobhaji Bhalerao

- ...
- Mr. S. R. Wakale, AGP for the State
- ...

CORAM : ARUN R. PEDNEKER AND
VAISHALI PATIL-JADHAV, JJ.

DATE : 02.02.2026

PER COURT:

. Heard.

2. By the present petition, the State of Maharashtra challenges the order dated 26.09.2024 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad, in Original Application No. 1049 of 2019, whereby the application filed by the employee - Pralhad S/o Lobhaji Bhalerao is allowed and order dated 13.11.2018 passed by the Assistant Superintending Engineer, Nanded Irrigation Circle, refusing to grant advance increment in favour of the applicant, was quashed and set aside. The State was directed to grant first advance increment w.e.f. 01.10.2000 and second advance increment w.e.f.

01.10.2005 along with arrears and consequential benefits within two months from the date of the order.

3. It is the contention of the State that the respondent was employed as Junior Engineer from 1982 and thereafter became Sectional Engineer from 01.04.1998 and Sub-Divisional Officer from 13.12.2018 and has been working in Irrigation/Water Resources Department. It is stated that two departmental enquiries were pending against the employee. He was acquitted from one of the departmental enquiry on 24.10.2011 and the another departmental enquiry, which was initiated on 13.04.2010, resulted in a reprimand by order dated 25.04.2012.

4. It is submitted that in view of Government Resolution dated 14.12.2006, particularly clause 8(b), wherever a departmental enquiry is pending against an employee and he is found guilty, he would not be entitled to any advance increment. Relying upon the said Government Resolution, it is submitted that the order passed by the Tribunal is erroneous.

5. We have perused order passed by the Tribunal. The Tribunal has observed that in the criminal case, the employee was acquitted. In the departmental enquiry, the original applicant was held guilty for an extremely minor infraction, namely that he had not put the date below his signature, and as such he was merely reprimanded. On mere

reprimand, the Tribunal held that withholding of the increment would be disproportionate.

6. The Tribunal has further observed that the employee had become eligible for the advance increment much prior to the initiation of the departmental enquiry. The advance increments relate to the periods 1995-2000 and 2001-2005. The second incident for which the employee was held responsible is of the year 2000 to 2001.

7. The Tribunal has also observed that pendency of the departmental enquiry, especially when prolonged over a decade, cannot be a valid justification to deny advance increments. The Tribunal having considered the trivial nature of the charge has concluded that the increments ought not to have been withheld.

8. Considering this factual matrix of the matter, exercise of powers under Article 226 / 227 would not be warranted. The petition is accordingly **dismissed**.

[VAISHALI PATIL-JADHAV, J.]

[ARUN R. PEDNEKER, J.]