



**IN THE HIGH COURT OF BOMBAY AT GOA**

**Misc. Civil Application (MCA) No. 216 of 2025**

**in**

**Writ Petition No. 447 of 2024**

**Yeshwant B. Valvaulkar and another**

**Versus**

**State of Goa, through this Chief Secretary Secretariat, Porvorim, Bardez,  
Goa and others**

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

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Court's or Judge's Order

Mr. Laban Carvalho, Advocate for the petitioners.

Ms. Maria Correia Simone Judith, Additional Government Advocate for  
the Respondents.

**CORAM : BHARATI DANGRE &  
NIVEDITA P. MEHTA, J.**

**DATED : 6<sup>th</sup> MARCH, 2026.**

This Misc. Civil Application is filed by the applicants seeking  
recall/modification of paragraph 15 of the judgment dated 27.03.2025 in  
Writ Petition No. 447 of 2024.

2. By the said judgment, this Court allowed the Writ Petition  
and held that the petitioners would be entitled to benefit of notional  
increment for the purpose of fixation of pension. While issuing the  
operative directions, this Court directed that the revised pension be paid

with effect from 01.05.2023, treating the petitioners as falling under clause (a) of the directions issued by the Hon'ble Supreme Court in the case of *Union of India and another Vs. M.Siddaraj* in Special Leave Petition (Civil) No. 4722 of 2021.

3. The applicants now contend that the writ petition was filed on 10.12.2021 i.e. prior to the judgment of Hon'ble Supreme Court in the case of M.Siddaraj (supra) dated 19.05.2023, and therefore their case would fall under clause (d) of the directions issued by the Hon'ble Supreme Court.

4. The learned counsel appearing for the respondents fairly submits that the writ petition was indeed filed prior to the judgment in the case of M.Siddaraj (supra), and therefore the applicants would be governed by the clause (d) of the directions issued by Hon'ble Supreme Court.

5. Clause (d) of the directions issued by the Hon'ble Supreme Court provides that in cases where a retired employee has filed a writ petition/application seeking such relief, the enhanced pension by including one increment would be payable for the period of three years prior to the month in which such proceedings were filed.

6. In view of the aforesaid position and considering that the writ petition was filed prior to the judgment in the case of M.Siddaraj (supra), the applicants would be entitled to the benefit contemplated under clause (d) of the said directions.

7. Consequently, paragraph 15 of the judgment dated 27.03.2025 stands modified and now read as under:

*“15. The upshot of the aforesaid rulings is that the petitioners would be entitled to receive notional increments for the respective years in which they superannuated on the 30<sup>th</sup> of June, but they would be paid pension based on their revised emoluments with the notional increments added with effect from **01.05.2018**. The current pension of the petitioners would be revised accordingly and all arrears would be paid to them with effect from **01.05.2018** within a period of six months from the date of this order. Hence, the position of law concerning the date of crystallization of notional benefit is no longer res integra, and the instant petition is covered squarely by the ratio as laid down by the Hon’ble Supreme Court.”*

8. The Misc. Civil Application is disposed of in the above terms.

[JUDGE]

[JUDGE]