

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9257 OF 2025

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Dattatraya Shankar Patil and Ors.

... Petitioners

Versus

The State of Maharashtra Thr. The Principal
Secretary and Ors.

... Respondents

.....
Mr. Prashant Bhavake for the Petitioners.
Mr. Kedar Lad for Respondent No.17.
Mr. S.B. Kalel, AGP for the Respondent - State.
.....

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 18th APRIL, 2026.

P. C. :

1. In the present petition, the Petitioners claim following relief :-

“b) This Hon'ble Court be pleased to exercise the powers vested in it under Article 226 of the Constitution of India and issue a Writ of Mandamus and/or any other Writ in the nature of Mandamus, Order and direction directing the Respondent State and its subordinate Authorities to release one advance/ additional increments in favour of the Petitioners in the pay scale which was applicable to them at the relevant time and further revise pay-scale as well as pensionary benefits of the Petitioners and release entire arrears of difference of salary as well as pensionary benefits within stipulated period which this Hon'ble Court may deems fit and proper;”

2. In the present petition the contention of the Petitioners is that they were District Awardee Teachers by the State Government and consequently they are entitled for the additional increment in terms of Government Resolution dated 12th December 2000. However, though they are pursuing their cause for a considerable period, the same was not released in their favour by the Respondent. It is pointed out that the State Government has subsequently issued further Government Resolution dated 4th September 2014 and thereby it is held that the District Awardee Teachers would not be entitled for the benefit of additional increment.

3. In the light of this subsequent Government Resolution, the Petitioners are deprived from the additional increment. Learned Counsel appearing for the Petitioners in support of their submission has relied upon the order passed by the Principal Bench in Writ Petition No. 2428 of 2026 along with other connected matters, dated 2nd April 2026 wherein identical issue was decided.

4. Learned AGP does not dispute about the judgment delivered by the Principal Bench in the identical matters.

5. It would be relevant to refer to the findings, which are recorded by the Principal Bench in Writ Petition No. 2428 of 2026 along with other petitions from paragraph Nos. 3 to 5, which read as under :-

“3. In various judgments of this Court, it was consistently held that the Government Resolution dated 24/08/2017, would operate prospectively and would not have the effect of retrospective denial of advance increments. The State Government and various Zilla Parishads had filed Review Petitions seeking review of various orders passed by this Court. It was inter-alia sought to be contended in the said Review Petitions that, even though the ultimate decision for stoppage of the scheme for advance increments might have been taken on 24/08/2017, it was earlier directed by way of a Circular dated 03/07/2009, to undertake the exercise of pay fixation as per the 6th Pay Commission Pay scales, without taking into consideration the advance increments.

4. By judgment and order dated 30/08/2022, this Court has rejected the Review Petitions after considering all the objections raised by the State Government. It was held that, no specific instructions were issued before 24/08/2017, for discontinuation of the scheme of advance increments. Paragraph Nos. 12 to 15 of the judgment and order dated 30/08/2022, passed in Review Application (Civil) No.170 of 2022 in Writ Petition No.13760 of 2019 (*The State of Maharashtra and Anr. Vs. Rupchand S/o. Narayan Shinde and Ors.*), read as under:

"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 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 a 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 scales 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 from 01.10.2006 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 27.02.2009/03.07.2009 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."

5. Thus, it is now a 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."

6. The co-ordinate bench of this Court has held that the Government Resolution dated 24th August 2017 cannot be made applicable retrospectively and as such allowed the Writ Petition. It is held that the Petitioners to whom the District / State Awardee Teacher has been conferred, are entitled for the additional increment in terms of

Government Resolution dated 12th December 2000.

7. In the light of the observations made by the co-ordinate bench, we are also of the same view that the Government Resolution dated 4th September 2014 cannot be made applicable retrospectively.

8. In view of the above, we pass the following order.

ORDER

(i) The Respondent – Zilla Parishad after confirming the entitlement of the Petitioners being District / State Awardee Teachers and the Certificate if issued prior to 4th September 2014, shall consider their entitlement and release the additional increment in terms of Government Resolution dated 12th December 2000 within a period of 3 months from the date of order.

(ii) It is needless to mention that if any claim of any Petitioner is invalidated insofar as his entitlement is concerned, a reasoned order in each of such case be passed and the said order be served upon the concerned Petitioner/s within a period of 4 weeks from the date of such order.

9. The Writ Petition is disposed of in the above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]