

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

(Sr. No.9) WRIT PETITION NO. 9791 OF 2025

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Dilip Sitaram Waghmare ... Petitioner

Versus

The State Of Maharashtra Thr. its Secretary General ... Respondent
Admin. Dept.

WITH
WRIT PETITION NO. 11065 OF 2025

Babaji Jayaram Shirke and Ors ... Petitioners

Versus

The State Of Maharashtra Thr. its Secretary General ... Respondent
Admin. Dept. Mantralaya

WITH
WRIT PETITION NO. 11102 OF 2025

Ramchandra Raghunath Sapkal and Ors. ... Petitioners

Versus

The State Of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION NO. 13072 OF 2025

Sanjay Namdev Badekar and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Secretary and Ors. ... Respondents

**WITH
WRIT PETITION NO. 11062 OF 2025**

Vijay Tukaram Pokale and Ors. ... Petitioners

Versus

The State Of Maharashtra and Ors. ... Respondents

**WITH
(Sr. No.128) WRIT PETITION NO. 1277 OF 2026**

Dayasagar S/o Baburao Banne and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Principal Secretary ... Respondents
and Ors.

**WITH
WRIT PETITION NO. 1257 OF 2026**

Rakesh S/o Madhav Ghodake & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 1268 OF 2026**

Sarjerao S/o Mahipati Jadhav & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

**WITH
(Sr. No.130) WRIT PETITION NO. 1563 OF 2026**

Bhai Ramchandra Kadam ... Petitioners

Versus

State Of Maharashtra ... Respondents

WITH
(Sr. No.502) WRIT PETITION NO. 589 OF 2026

Chandrakant Kisan Ghanvat & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

WITH
(Sr. No.503) WRIT PETITION NO. 1265 OF 2026

Mangesh Mahadev Jangam & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

.....Warunjikar

Mr. Sandeep B. Sontakke for the Petitioners in WP 9791/2025.

Mr. Shivkumar Mathpati for the Petitioners in WP Nos.1277/2026, 1257/2026 and 1268/2026.

Mr. Mahesh V. Rawool for the Petitioners in WP Nos. 1563/2026, 589/2026 and 1265/2026

Mr. Abhijit Gosavi for Respondent No.3 in WP Nos. 589/2026, 1265/2026 and 1563/2026.

Mr. Vijay Killedar a/w Mr. Shivraj Jagadale for Respondent Nos. 4, 5 and 6 in WP Nos. 1277/2026 and for Respondent Nos. 4 and 5 in WP 1268/2026.

Dr. Uday P Warunjikar a/w Mr. N.G. Kamble for Respondent No.3 in WP 9791/2025.

Mr. Siddheshwar B. Kalel, AGP for the Respondent – State in WP 9791/2025.

Mr. V.M. Mali, AGP for the Respondent – State in WP 11065/2025 & 13072/2025.

Mr. R.P Kadam, AGP for the Respondent – State in WP 11102/2025.

Ms. T.J. Kapre, AGP for the Respondent – State in WP 11062/2025.

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

DATE : 15th APRIL, 2026.

P. C. :

1. All these petitions involved identical issue and, therefore, same are heard together and passed the common order.

2. The Petitioners in all these petitions are Class III & IV employees of Zilla Parishad. As per the policy of the State Government dated 20th June 1989, the Petitioners are entitled for advance increment. However, vide Government Resolution dated 24th August 2017, a decision was taken by State Government not to grant the benefit of advance increment to the employees during the 6th Pay Commission regime, i.e. from period 1st October 2006 to 1st October 2015. As such, Petitioners approached before this Court that Respondent authorities be directed that by applying policy framed under Government Resolution dated 20th June 1989, extend the benefit of advance increment with all consequential benefits.

3. 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. Learned AGP does

not dispute about the judgment delivered by the Principal Bench in the identical matters. It would be therefore 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."

4. In the light of the observations recorded by the Hon'ble Principal Bench, the issue which is raised in these petitions is almost covered. As such, there remain no doubt to the fact that Government Resolution dated 24th August 2017, cannot be made applicable retrospectively. Accordingly, the Petitioners' entitlement for advance increment is

required to be governed by Government Resolution dated 20th June 1989. Government Resolution dated 24th August 2017 cannot be made applicable to their services and increments which are payable to them cannot be withheld by Respondent authorities.

5. In the circumstances, Writ Petitions are disposed of with declaration that the Government Resolution dated 24th August 2017 would apply prospectively. The Petitioners are held eligible for grant of advance increment in terms of Government Resolution dated 20th June 1989 with all consequential benefits by adding the advance increment. This exercise be completed within a period of 3 months from the date of order.

6. It is needless to mention that if any employee is not found to be entitled to the benefit of advance increment, a reasoned order be passed separately by the concerned Authority and the decision shall be communicated to the said employee. The said order be passed by granting hearing opportunity to the concerned employee.

7. With these directions, the Writ Petitions stand allowed in the above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]