

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

WRIT PETITION NO.1673 OF 2026

Dinkar Raghunath Jagdish & Ors. ...Petitioners

Versus

The State Of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION NO.1953 OF 2026

Satish Sambhaji Chavhan & Ors. ...Petitioners

Versus

The State Of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION NO.1892 OF 2026

Krishnat Gulabrao Chavan & Ors. ...Petitioners

Versus

The State Of Maharashtra & Ors. ...Respondents

AND

WRIT PETITION NO.2003 OF 2026

Dattatray Rajaram Jadhav ...Petitioner

Versus

The State Of Maharashtra & Ors. ...Respondents

Adv. Vishakha Patil on behalf of Talekar & Associates, for the Petitioners
in WP/1673/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State in WP/1673/2026.

Mr. Kedar Lad a/w Poonam Dhotre, for Respondent Nos.3 & 4 in WP/1673/2026.

Adv. Rakshalekha B. Nikam, for the Petitioners in WP/1953/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WP/1953/2026.

Mr. Kedar Lad a/w Poonam Dhotre, for Respondent Nos.5 & 6 in WP/1953/2026.

Mr. Mahesh V. Rawool a/w Manthan S. Bhandigare, for the Petitioners in WP/1892/2026 & WP/2003/2026.

Ms. T. J. Kapre, AGP, for the Respondent-State in WP/1892/2026.

Mr. S. B. Kalel, AGP, for the Respondent-State in WP/2003/2026.

**CORAM: MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**
DATE: 06 MAY 2026

P.C.:

1. In all these Writ Petitions, the identical issue raised by the Petitioners is that, although they are entitled to an additional increment under the Government Resolution dated 31st October 1989 for the excellent work rendered during their service period, the same has not been paid to them.

2. In this batch of Petitions, the contention of one of the group of the Petitioners is that they have been continuously pursuing their cause by making a series of representations. However, there is no response from the employer regarding forwarding their proposal to the Competent

Authority for releasing the additional increment. In other group, the Petitioners have directly approached before this Court, contending that they are entitled to the increment in terms of Government Resolution dated 31st October 1989, but the same has not been paid to them and, therefore, appropriate directions be issued to their employer to grant the increment in terms of the Government Resolution dated 31st October 1989. Third group of the Petitioners stated that in terms of Government Resolution dated 31st October 1989, they have been granted advance increment but subsequently the benefit has been withdrawn. Therefore, seeks direction to restore the benefit of advance increment in terms of Government Resolution dated 31st October 1989.

3. The learned AGP and the learned Counsel appearing for the Zilla Parishad have strongly opposed the present Petitions. According to them, in view of subsequent Government Resolution dated 24th August 2017, the Petitioners are not entitled to the increment. According to them, the said Government Resolution is applicable to the Petitioners' case and, therefore, they are correct in not releasing advance increment in their favour.

4. In the light of the submissions of both the parties, it is clear that the Petitioners are claiming the increment on the basis of the Government Resolution dated 31st October 1989. The Respondents are relying upon

Government Resolution dated 24th August 2017. However, perusal of Government Resolution dated 24th August 2017 nowhere states that same would be applicable retrospectively. Hence, the Petitioners are entitled to the additional increment in accordance with the policy framed by the Government under the Government Resolution dated 31st October 1989.

5. It would be relevant to refer the Judgment and Order of this Court dated 20th June 2022 passed in Civil Writ Petition No.932 of 2021 (***Balu S/o Tulshiram Pawar v. State of Maharashtra***), wherein the Hon'ble Principal Bench observed in Paragraph Nos.5, 6 and 7 as under:

“5. Upon perusal of various Government Resolutions placed on record, it does not appear that prior to the Government Resolution dated 24/08/2017, there was any Government Resolution taking away benefit of the additional increment given to teachers possessing certificate or recognition of excellent/ outstanding work. Of course, now, no such teacher would be entitled for the benefit in view of the Government Resolution dated 24/08/2017. However, Government Resolution dated 24/08/2017 can not be given retrospective effect.

6. Government Resolution relied by the learned counsel for Zilla Parishad viz. Government Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Government has made recommendation and the same is to be accepted with certain modifications. Under the Government Resolution dated 24/08/2017, Government has taken decision that the benefit of advance increment would not be available to those who were granted certificate of excellent work. It is under the Government Resolution dated 24/08/2017 now the benefit of additional increment to the teachers can not be given.

7. However, all those who were granted Certificate of Excellent Work prior to 24/08/2017 can not be denied the said benefit of additional increment.”

6. In the light of the observations made by the Hon’ble Principal Bench, we are also of the opinion that the Government Resolution dated 24th August 2017 cannot be applied retrospectively.

7. In view of this and the findings recorded by the Hon’ble Principal Bench, which are reproduced above, the present Petitions are disposed of with a direction to the Respondents/employer to verify the cases of the Petitioners as per their eligibility for grant of advance/additional increments in the light of the Government Resolution dated 31st October 1989.

8. It is made clear that the exercise of granting monetary benefits if Petitioners found eligible shall be done along with all consequential benefits within a period of 4 months from the date of the Order.

9. If the Petitioners are found not eligible for the benefit of advance increment, in that case, hearing opportunity shall be given to them and after recording cogent reasons, the same shall be communicated to the Petitioners.

10. In the matters wherein, the benefits of additional increment under the Government Resolution dated 31st October 1989 has been granted and same was subsequently withdrawn by the employer pursuant to the

Government Resolution dated 24th August 2017, in that cases respective employer is directed to restore the benefits of advance increment to the employees in terms of Government Resolution dated 31st October 1989 within a period of 4 months with all consequential monetary benefits.

11. With these directions, the Writ Petitions stand disposed of. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]