

Amberkar

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

WRIT PETITION NO. 2163 OF 2026

Shanta Jaysing Shiralkar & Ors.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- None present for Petitioners
- Mr. B.V. Samant, Addl.GP for Respondent Nos. 1 & 2 - State
- Mr. Pankaj Deokar, Advocate for Respondent Nos. 3 & 4

.....

**CORAM : MILIND N. JADHAV &
NANDESH S. DESHPANDE, JJ.**

DATE : JUNE 17, 2026

P. C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Petitioners have filed the present Petition seeking following reliefs:-

"A) *This Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction in like nature thereby directing to the Respondent Nos. 3 and 4 to grant Notional / Annual Increment to Petitioners which was due on 1st July i.e. after retirement of the Petitioners, as Petitioners served with good conduct more than 6 months in year;*

B) *This Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction in like nature thereby directing to Respondent Nos. 3 and 4 to recalculate retirement benefit by including annual increment and thereof to pay the all the retirement benefit to Petitioners with arrears and for that, purpose this Hon'ble Court may pass necessary order or direction in favour of the Petitioners."*

- 3.** Petitioners are seeking direction to Respondent Nos. 3 and 4 to grant notional / annual increment which was due to them on 1st July

i.e. after the date of retirement of Petitioners who have admittedly served for more than six months in a year in various departments of Zilla Parishad, Sangli as Zilla Parishad employees from the last date of granting the earlier annual increment to each one of them.

4. Briefly stated, after implementation of 6th Pay Commission, the State was directed to grant annual increment w.e.f. 1st July of every year i.e. period of grant of annual increment has to be considered on the basis of past service rendered by employee. Accordingly, Notification dated 22.04.2009 was issued by the State Government under the Maharashtra Civil Service (Revised Pay) Rules, 2009 (for short "**the said Rules**") which came into force w.e.f. 01.01.2006. It is seen that in accordance with the provisions contained in Rule 10 of the said Rules, there has to be a uniform date of annual increment i.e. 1st July of every year and in the case of employees completing six months or more in their service as on 1st July would be eligible for grant of annual increment. Further Government Resolution (GR) is issued by the State Government dated 26.12.2011 stating that such employees who have served for more than six months would be entitled for annual increment even if they having been retired before the date of grant of annual increment or before 1st July of the concerned year.

5. There is no dispute about appointment of Petitioners as Zilla Parishad employees by following the due process of law. They have all

been promoted in accordance with law and have retired on superannuation and having retired but having served more than six months from the last date of annual increment to them, they would therefore be entitled to the benefit of annual increment.

6. The issue raised by Petitioners is no longer *res integra* in view of judgment dated 04.05.2022 delivered in Writ Petition No. 14632 of 2021 at Aurangabad in the case of ***Balaji Manikrao Biradar v. State of Maharashtra & Ors.*** This Court held that since the increment is not an advance increment but is an increment which is payable after completing one year of employment, and notwithstanding that if the employee is superannuated having served for more than six months, then he is deemed to have earned the annual increment and therefore the increment is payable.

7. It is seen that orders and judgments delivered by this Court in similarly placed cases were assailed before the Supreme Court and the same have been sustained. In a large bunch of cases taken for adjudication by the Supreme Court in ***Director (ADMN. and HR) KPTCL v. V.C. P. Mundinamani***¹, Supreme Court has concluded that such increment is earned by an employee for working over in that year and he is entitled to it even if he or she retired on 30th June of a particular year.

¹ AIR 2023 SC 1956

8. Rule 10 of the said Rules comes to the aid of those employees who have worked for six months and above in the revised pay structure as on 1st July and even they would be entitled for increment. Thus on overall conclusion, it is seen that all those Petitioners who have worked for six months and above in a particular year would be entitled for the benefit of annual increment and their retiral benefits would be calculated by reckoning such increment while calculating their last drawn wages.

9. In view of the aforesaid observations and findings, there is no impediment in allowing the Petition, however subject to following directions:

- (i) Petition stands allowed partly;
- (ii) Petitioner Nos. 1 to 68 would be entitled to monetary benefits / difference of pensionary benefits as per actuals w.e.f. their respective dates of superannuation provided they have worked for six months or more in the last year upto the date of their superannuation. Such exercise will have to be undertaken by the Zilla Parishad, Sangli before the grant of annual increment to the eligible Petitioners. Since the Petitioners have filed omnibus Petition, such exercise cannot be undertaken by this Court. However,

Zilla Parishad, Sangli shall undertake the exercise on case to case basis *qua* each of the concerned Petitioners before the Court;

(iii) For all the Petitioners complying with the aforesaid conditions, pensionary benefits are directed to be recomputed and calculated by including the annal increment in their last drawn salary prior to their superannuation and such recalculated pensionary benefits shall be payable to the Petitioners;

(iv) Arrears, if any, after recalculation shall be paid over to the eligible Petitioners within a period of two months from today positively without any delay and extension. It is commonly seen and observed by this Court that there is tremendous laxity on the part of Zilla Parishad Administration to comply with the orders passed by this Court. In that view of the matter, this direction will be scrupulously followed and in the event, if there is any delay, the CEO of the Zilla Parishad, Sangli shall be held directly responsible in contempt of this order passed by Court. Hence, it is directed that the exercise of recalculation will be undertaken by Zilla Parishad, Sangli under the guidance of CEO forthwith on the basis of

server copy of this order and there shall be no delay in complying with the above directions;

- (v) Needless to state that many Petitioners in the present group of Petition have approached this Court much belatedly. In that view of the matter, they shall not be entitled to interest. Accordingly, Respondents are directed to revise the Petitioners' retiral benefits and pension accordingly.

10. Liberty to apply.

11. Petition stands allowed and disposed of in the above terms.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]