IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(Sr. No. 917) WRIT PETITION NO. 2428 OF 2026

Bhimrao Nanduba Kamble and Ors ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 920) WRIT PETITION NO. 4151 OF 2026

Jagannath Bhalchandra Kulkarni & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 922) WRIT PETITION NO. 4154 OF 2026

Dattatray Rajaram Kadnor & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 923) WRIT PETITION NO. 4156 OF 2026

Khanderao Shivaji Jagtap & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 924) WRIT PETITION NO. 4157 OF 2026

Riyaz Allabaksh Pachhapure & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 925) WRIT PETITION NO. 4160 OF 2026

Ravindra Prabhakar More & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 927) WRIT PETITION NO. 4162 OF 2026

Dattatray Baban Raut & Ors. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 928)WRIT PETITION NO. 4171 OF 2026

Nandkishor Eknath Pawar ….Petitioner

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 929)WRIT PETITION NO. 4173 OF 2026

Sudhir Dattatray Darade & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 932) WRIT PETITION NO. 4178 OF 2026

Anil Vyankatrao Jagtap & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 933)WRIT PETITION NO. 4180 OF 2026

Vijay Hanumant Mukane & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

WITH
(Sr. No. 934)WRIT PETITION NO. 4185 OF 2026

Hanmant Mahadeo Dere & Anr. ….Petitioners

Versus

The State of Maharashtra & Anr. ….Respondents

Mr. Sandeep Sontakke, for the Petitioners in all matters.
Mr. P. P. Kakade, Addl. GP. a/w. Advocate D. S. Deshmukh, AGP in Writ Petition No. 2428 of 2026.
Mr. O. A. Chandurkar Addl. GP. a/w Mr. A. K. Naik, AGP in Writ Petition No. 4151 of 2026.
Mr. O. A. Chandurkar Addl. GP. a/w. Ms. P. N. Diwan, AGP in Writ Petition No. 4154 of 2026.
Mr. P. P. Kakade, Addl. GP a/w. Advocate M. M. Pable, AGP in Writ Petition No. 4156 of 2026.
Ms. Neha S. Bhide GP a/w Mr. O. A. Chandurkar, Addl. GP a/w Mr. A. R. Deolekar, AGP in Writ Petition No. 4157 of 2026.
Mr. P. P. Kakade, Addl. GP. a/w Mr. V. G. Badgujar, AGP in Writ Petition No. 4160 of 2026.
Mr. P. P. Kakade, Addl. GP a/w Mr. A. K. Naik, AGP in Writ Petition No. 4162 of 2026.
Mr. O. A. Chandurkar, Addl. GP a/w Ms. P. N. Diwan, AGP in Writ Petition No. 4171 of 2026.
Mr. P. P. Kakade, Addl. GP a/w Advocate A. C. Bhadang, AGP in Writ Petition No. 4173 of 2026.
Mr. P. P. Kakade, Addl. GP. a/w. Mr. V. G. Badgujar, AGP in Writ Petition No. 4178 of 2026.
Mr. P. P. Kakade, Addl. GP a/w Ms. D. S. Deshmukh, AGP in Writ Petition No. 4180 of 2026.

Mr. O. A. Chandurkar, Addl. GP. a/w. Mr. A. K. Naik, AGP in Writ Petition No. 4185 of 2026.

CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.
DATE : 2nd APRIL, 2026

P.C. :-

1. Since all the Petitioners are identically placed, we reproduce Prayer Clauses (B), (C), and (D) only from the first Petition, hereinbelow :

> B) By issuing Writ of Mandamus or any appropriate writ, order or direction in like nature, to direct the Respondents to Re-fix the pay-scale of Petitioners thereby including additional increments granted by Respondents (Exh.'C') in view of the orders of this Hon'ble Court in Writ Petition No. 9967 of 2021 dated 06.10.2022.
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> C) By issuing Writ of Mandamus or any other appropriate writ, order or direction in like nature. The Respondents may be directed to pay/release monetary benefits of additional increments for "Excellent Work" granted to Petitioners (Exh.-'C') with consequential benefits to the Petitioners by fixing reformative sixth pay scales and for that purpose issue necessary direction or order to the Respondents and to refund the amount recovered from the Petitioners if any.
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> D) To grant any other suitable relief in favor of the Petitioners and entitled by them as per the law.

2. The dispute has essentially arisen on account of the Government Resolution dated 24/08/2017, by which a decision was taken, not to grant the benefit of advance increments during the 6th Pay Commission regime, from 01/10/2006 to 01/10/2015.

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.
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> 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 of 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. **All these Writ Petitions is, therefore, disposed off** with the declaration that the Government Resolution dated 24/08/2017, would apply prospectively. The Petitioners are held to be eligible for grant of advance increments for outstanding work, prior to 24/08/2017. Since the Petitioners are not claiming interest, all consequential benefits be calculated by adding up the said advance increments. Since some Petitioners have superannuated, all consequential benefits post recalculation, be paid to the Petitioners within 90 days.

7. We make it clear that if the authorities come across after due verification that any of the concerned employees was not entitled to the benefits of advance increments, a reasoned order be

passed separately, drawing conclusions as to how the candidate is not eligible. However, if such candidate was earlier being paid the said benefit, our directions in this order shall apply to such a candidates.

(ABHAY J. MANTRI, J.) **(RAVINDRA V. GHUGE, J.)**