



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15662 OF 2025

1. **Sahebrao Baliram Ahire**  
Age. 59 Years, Occ. Pensioner  
R/o. Prashnat , Ro-house No.6, Rane Nagar,  
Nashik, Tq. & Dist. Nashik.
2. **Ranjana Trimbak Sonawane**  
Age 59 Years, Occ. Pensioner,  
R/o. Plot No. 30, Chavan Nagar, Tapovan,  
Nashik Tq. & Dist. Nashik .
3. **Vasant Kevba Deore**  
Age 62 Years, Occ. Pensioner,  
R/o. Nitane, Tq. Baglan Dist. Nashik.
4. **Nivrutti Waman Waje**  
Age 60 Years, Occ. Pensioner,  
R/o. Ro-house No. 14, Behind Toyota Show Room,  
Pathardi Phata, Nashik Tq. & Dist. Nashik .
5. **Rajendra Bhaurao Gangurde**  
Age 59 Years, Occ. Pensioner,  
R/o. Flat No. 2, Sai-Residency, Near Matale Mangal  
Karyalaya, Nashik Tq. & Dist. Nashik .
6. **Anil Kisan Jadhav**  
Age 60 Years, Occ. Pensioner,  
R/o. Apurwai Society, Kalanagar  
Nashik Tq. & Dist. Nashik .
7. **Bharat Jagannath Shirsath**  
Age 59 Years, Occ. Pensioner,  
R/o. Flat No. A-202, Key Stone Residency,  
Tuljabhavani Nagar, Nashik Tq. & Dist. Nashik .
8. **Rajendra Ramchandra Kshirsagar**

Age 59 Years, Occ. Pensioner,  
R/o. AG-14 Runanubhand Housing Society,  
Pandav Nagari, Nashik Tq. & Dist. Nashik .

9. **Namdeo Devram Jagatap**  
Age 59 Years, Occ. Pensioner,  
R/o. Mahalaxmi Colony, Shivaji Nagar, Kalwan,  
Tq. Kalwan Dist. Nashik .
10. **Bhikan Motiram Pawar**  
Age 59 Years, Occ. Pensioner,  
R/o. Swami Samarth Nagar, Deola, Dist. Nashik.
11. **Gangadhar Karbhari Vyavahare**  
Age 59 Years, Occ. Pensioner,  
R/o. Gangeshawar Park, Samarth Nagar,  
Link Road, Nashik Tq. & Dist. Nashik .
12. **Madhukar Ganpat Mahale**  
Age 61 Years, Occ. Pensioner,  
R/o. Damodar Nagar, Pathardi Fata,  
Nashik Tq. & Dist. Nashik .
13. **Sharad Gangadhar Sangale**  
Age 61 Years, Occ. Pensioner,  
R/o. Ro-house No. 2, Prashant Nagar, Pathardi Fata  
Nashik Tq. & Dist. Nashik.
14. **Suman Mahadu Wagh**  
Age 68 Years, Occ. Pensioner,  
R/o. Samrat Tropikano, Flat No. F-703,  
Serin Medoj, Nashik Tq. & Dist. Nashik .
15. **Bhausahab Dharma Aher**  
Age 59 Years, Occ. Pensioner,  
R/o. Trimurit, Avenue Housing Society, Flat No. 1  
Kamatwada Road, Nashik Tq. & Dist. Nashik .
16. **Bapu Daulat Pagar**  
Age 59 Years, Occ. Pensioner,  
R/o. Mahalaxmi Colony, Shivaji Nagar, Kalwan,

Tq.Kalwan, Dist. Nashik .

17. **Mangala Krushna Bhamare**  
Age 59 Years, Occ. Pensioner,  
R/o. Renuka Colony, Ganesh Nagar, Kalwan  
Tq. Kalwan, Dist. Nashik .
18. **Bebi Nimba Sonawane**  
Age 59 Years, Occ. Pensioner,  
R/o. Behind Court, Ganesh Nagar, Kalwan  
Tq. Kalwan Dist. Nashik .
19. **Bhausahab Babaji Suryawanshi**  
Age 61 Years, Occ. Pensioner,  
R/o. Gunjal Nagar, Deola, Tq. Deola Dist. Nashik.
20. **Dayaram Bhagaji Birari**  
Age 59 Years, Occ. Pensioner,  
R/o. Shanti Nagar, Satana, Tq. Baglan, Dist. Nashik.
21. **Dilip Nimba Deore**  
Age 61 Years, Occ. Pensioner,  
R/o.Ranilaxmibai Housing Society, Satana  
Tq. Baglan Dist. Nashik .
22. **Kiransing Bhimsing Shinde**  
Age 59 Years, Occ. Pensioner,  
R/o.Flat No. 20, Akash Avenue,Tidke Nagar,  
Nashik, Dist. Nashik.
23. **Rajendra Dayaram Sonar**  
Age 60 Years, Occ. Pensioner,  
R/o. Umrane Tq. Malegaon Dist. Nashik.
24. **Subhash Damodar Sainkar**  
Age 61 Years, Occ. Pensioner,  
R/o. Flat No. 08, Sharddha Simran Park, Patil Lane No.3,  
Nashik, Dist. Nashik.
25. **Pralhad Ragho Nikam**  
Age 61 Years, Occ. Pensioner,

R/o. Sidheshwar Nagar, Hirawadi, Nashik Dist. Nashik.

26. **Sanjay Ananda Lilake**  
Age 59 Years, Occ. Pensioner,  
R/o. Flat No. 1, Tarangan -A, Near Rau Hotel,  
Nashik, Dist. Nashik.
27. **Sanjivrao Daulat Suryawanshi**  
Age 59 Years, Occ. Pensioner,  
R/o.Gokul Nagar, Dasak, Jail Road, Nashik, Dist. Nashik.
28. **Amalak Chintaman Ahire**  
Age 59 Years, Occ. Pensioner,  
R/o. Talwade, Tq. Baglan Dist. Nashik.
29. **Ravindra Ramdas Thorat**  
Age 59 Years, Occ. Pensioner,  
R/o. Brahamangaon, Tq. Baglan Dist. Nashik.
30. **Ramesh Dattu Gaikwad**  
Age 60 Years, Occ. Pensioner,  
R/o. Satana Tq. Baglan Dist. Nashik.
31. **Shaileja Ramdas Dhondage**  
Age 60 Years, Occ. Pensioner,  
R/o. Shivneri Colony, Satana, Tq. Baglan Dist. Nashik.
32. **Raju Tukaram Chitte**  
Age 64 Years, Occ. Pensioner,  
R/o. Jadhav Nagar, Satana Tq. Baglan Dist. Nashik.
33. **Dilip Bhaurao Mohan**  
Age 59 Years, Occ. Pensioner,  
R/o.Ranilaxmibai Housing Society , Satana,  
Tq. Baglan Dist. Nashik.
34. **Sonu Dattatrya Gangurde**  
Age 60 Years, Occ. Pensioner,  
R/o.Ganpat Nagar, Satana,Tq. Baglan Dist. Nashik.
35. **Bajirao Dodha Deore**

Age 61 Years, Occ. Pensioner,  
R/o. Sharad Nagar, Satana, Tq. Baglan Dist. Nashik.

**36. Gopal Dodha Nikam**

Age 67 Years, Occ. Pensioner,  
R/o. Mitra Nagar, Satana, Tq. Baglan Dist. Nashik.

**37. Baburao Motiram Khairnar**

Age 62 Years, Occ. Pensioner,  
R/o. Yeshwant Nagar, Satana, Tq. Baglan Dist. Nashik.

**38. Dilip Raghunath Desale**

Age 60 Years, Occ. Pensioner,  
R/o. Yeshwant Nagar, Satana, Tq. Baglan Dist. Nashik.

**39. Shivaji Bhaurao Pawar**

Age 60 Years, Occ. Pensioner,  
R/o. Shivaji Nagar, Satana, Tq. Baglan Dist. Nashik.

**40. Vasant Tulshiram Deore**

Age 60 Years, Occ. Pensioner,  
R/o. Shivaji Nagar, Satana, Tq. Baglan Dist. Nashik.

**41. Vishwas Dharmaji Dhondage**

Age 62 Years, Occ. Pensioner,  
R/o. Nampur, Tq. Baglan Dist. Nashik.

**42. Devaji Shankar Jadhav**

Age 63 Years, Occ. Pensioner,  
R/o. Karnti Nagar, Satana, Tq. Baglan Dist. Nashik.

**43. Prakash Pundalik Borase**

Age 67 Years, Occ. Pensioner,  
R/o. Shanti Nagar, Satana, Tq. Baglan Dist. Nashik.

**44. Nitin Jibhau Sawakar**

Age 60 Years, Occ. Pensioner,  
R/o. Abhimanyu Nagar, Satana Tq. Baglan Dist. Nashik.

**45. Nandkishor Jairam Bhamare**

Age 60 Years, Occ. Pensioner,  
R/o.Seema Nagar, Satana, Tq. Baglan Dist. Nashik.

- 46. Vishwas Ananda Deore**  
Age 59 Years, Occ. Pensioner,  
R/o. Gurukul Housing Society, Satana,  
Tq. Baglan Dist. Nashik.
- 47. Rajaram Jagannath Sonawane**  
Age 59 Years, Occ. Pensioner,  
R/o. Dangsaidane Tq. Baglan Dist. Nashik.
- 48. Tukaram Chintaman Thakre**  
Age 62 Years, Occ. Pensioner,  
R/o.Talwade, Tq. Baglan Dist. Nashik.
- 49. Kaillas Ratan Shewale**  
Age 62 Years, Occ. Pensioner,  
R/o. Chaugaon, Tq. Baglan Dist. Nashik.
- 50. Rajendra Yashwant Deore**  
Age 62 Years, Occ. Pensioner,  
R/o. Karanjad, Tq. Baglan Dist. Nashik.
- 51. Kalpana Sukdev More**  
Age 61 Years, Occ. Pensioner,  
R/o. Nampur, Tq. Baglan Dist. Nashik.
- 52. Shakuntala Lotan Pagar**  
Age 61 Years, Occ. Pensioner,  
R/o.Waghale, Tq. Baglan Dist. Nashik.
- 53. Devidas Krushna Deore**  
Age 59 Years, Occ. Pensioner,  
R/o. Nampur, Tq. Baglan Dist. Nashik.
- 54. Devidas Uttam Kor**  
Age 60 Years, Occ. Pensioner,  
R/o. Nampur, Tq. Baglan Dist. Nashik.
- 55. Waman Nanaji Khairnar**

Age 60 Years, Occ. Pensioner,  
R/o.Shirkrishna Nagar, Satana Tq. Baglan Dist. Nashik.

**56. Bhimrao Bhaurao Kapadnis**

Age 60 Years, Occ. Pensioner,  
R/o. Seemanagar, Satana Tq. Baglan Dist. Nashik

**57. Madhukar Sukdev Bhamare**

Age 62 Years, Occ. Pensioner,  
R/o.Shantinagar Satana, Tq. Baglan Dist. Nashik

**58. Dilip Wamanrao Wagh**

Age 59 Years, Occ. Pensioner,  
R/o. Navibej, Tq. Kalwan Dist. Nashik

**59. Nirmala Vitthal Bhadane**

Age 59 Years, Occ. Pensioner,  
R/o. Pathaknagar Satana, Tq. Baglan Dist. Nashik

**60. Shravan Waman Desale**

Age 61 Years, Occ. Pensioner,  
R/o. Sharadnagar Satana, Tq. Baglan Dist. Nashik.

**61. Mangala Jagannath Pagar**

Age 59 Years, Occ. Pensioner,  
R/o.Krantinagar Satana, Tq. Baglan Dist. Nashik

**62. Sharad Ratan Bawa**

Age 59 Years, Occ. Pensioner,  
R/o. Sindhi Sankul Satana, Tq. Baglan Dist. Nashik

**63. Anil Shivba Deore**

Age 59 Years, Occ. Pensioner,  
R/o. Madhavnagar Satana, Tq. Baglan Dist. Nashik

**64. Sukdeo Kashiram Shewale**

Age 59 Years, Occ. Pensioner,  
R/o. Shri Krishnanagar Satatna , Tq. Baglan Dist. Nashik

**65. Bhalchandra Ratanrao Patil**

Age 60 Years, Occ. Pensioner,

R/o.Sadanagar Satana, Tq. Baglan Dist. Nashik

66. **Kalpana Haribhau Sonawane**  
Age 59 Years, Occ. Pensioner,  
R/o. Sadanagar Satana, Tq. Baglan Dist. Nashik
67. **Balu Sonu Kapadnis**  
Age 61 Years, Occ. Pensioner,  
R/o. Dyane, Tq. Baglan Dist. Nashik
68. **Ravindra Rajaram Raundal**  
Age 59 Years, Occ. Pensioner,  
R/o.Bhakshi Road Satana , Tq. Baglan Dist. Nashik
69. **Sharad Waman Pawar**  
Age 59 Years, Occ. Pensioner,  
R/o. Sanskruti Nagar Satana, Tq. Baglan Dist. Nashik
70. **Balkrushn Daulat Khairnar**  
Age 59 Years, Occ. Pensioner,  
R/o.Dongrej, Post.Virgaon Tq. Satana Dist. Nashik.
71. **Prakash Kondaji Deore**  
Age 61 Years, Occ. Pensioner,  
R/o.Satana, Tq. Baglan Dist. Nashik.
72. **Ashok Raghunath Khairnar**  
Age 65 Years, Occ. Pensioner,  
R/o. Shri Krishnanagar Satana , Tq. Baglan Dist. Nashik
73. **Ramdas Kevba Pawar**  
Age 59 Years, Occ. Pensioner,  
R/o.Taharabad, Tq. Baglan Dist. Nashik
74. **Vasant Laxman Pawar**  
Age 66 Years, Occ. Pensioner,  
R/o.Shantinagar Satana, Tq. Baglan Dist. Nashik
75. **Lata Vasant Pawar**  
Age 62 Years, Occ. Pensioner,  
R/o. Shantinagar Satana, Tq. Baglan Dist. Nashik

76. **Gangadhar Tukaram Kapadnis**  
Age 63 Years, Occ. Pensioner,  
R/o.Shri Krishnanagar Satana, Tq. Baglan Dist. Nashik
77. **Prakash Trimbak Sonawane**  
Age 66 Years, Occ. Pensioner,  
R/o.Shri Krishnanagar Satana, Tq. Baglan Dist. Nashik
78. **Hiraman Tulsiram Raundal**  
Age Years, Occ. Pensioner,  
R/o. Gurukul Nagar Satana, Tq. Baglan Dist. Nashik
79. **Vimal Balvant Deore**  
Age 63 Years, Occ. Pensioner,  
R/o.Shri Krishnanagar Satana, Tq. Baglan Dist. Nashik
80. **Sanjay Ananda Ahire**  
Age 61 Years, Occ. Pensioner,  
R/o. Parner, Tq. Baglan Dist. Nashik
81. **Sunil Vasant Nikam**  
Age 59 Years, Occ. Pensioner,  
R/o. Kacheri Road Satana , Tq. Baglan Dist. Nashik
82. **Ashok Tulshiram Deore**  
Age 61 Years, Occ. Pensioner,  
R/o. Chaugaon, Tq. Baglan Dist. Nashik
83. **Tarabai Shivaji Kakulte**  
Age 62 Years, Occ. Pensioner,  
R/o. Virgaon , Tq. Baglan Dist. Nashik
84. **Sanjay Dattatray Suryawanshi**  
Age 59 Years, Occ. Pensioner,  
R/o. D.N. More Nagar, Pimpalgaon Baswant,  
Tq. Niphad Dist. Nashik
85. **Kisan Waman Pawar**  
Age 59 Years, Occ. Pensioner,  
R/o.Thergaon, Tq. Niphad Dist. Nashik.

86. **Mahipat Sitaram Thakare**  
Age 59 Years, Occ. Pensioner,  
R/o. Nhanave, Tq. Chandvad Dist. Nashik
87. **Bhaskar Dayaram Bhadane**  
Age 59 Years, Occ. Pensioner,  
R/o.Vinita Nagar Niphad, Tq. Niphad Dist. Nashik
88. **Sushil Dattatray Patil**  
Age 59 Years, Occ. Pensioner,  
R/o. Pimpalgaon Baswant , Tq. Niphad Dist. Nashik
89. **Mirabai Vitthal Khairnar**  
Age 59 Years, Occ. Pensioner,  
R/o.Ro-House no.1 Chetana Nagar Nashik,  
Tq.& Dist. Nashik
90. **Sahebrao Dharmaraj Jadhav**  
Age 60 Years, Occ. Pensioner,  
R/o.Gurupushpa Housing Society Vijaynagar  
Nashik, Tq. & Dist. Nashik
91. **Aruna Rajendra Sonawane**  
Age 59 Years, Occ. Pensioner,  
R/o.Ro-House no.38 Ayodhya Nagar Pnchavati  
Nashik, Tq.& Dist. Nashik
92. **Prashant Tukaram Patil**  
Age 59 Years, Occ. Pensioner,  
R/o.Ro-H. No. 58 Amrutdham Nashik Tq. & Dist. Nashik.
93. **Bhaskar Pundalik Ahire**  
Age 59 Years, Occ. Pensioner,  
R/o. Sharayu Park-1, Near Jatra Hotel Nashik,  
Tq. & Dist. Nashik
94. **Popat Eknath Sonawane**  
Age 60 Years, Occ. Pensioner,  
R/o.Sharad Nagar, Satana , Tq. Baglan Dist. Nashik

95. **Mayawati Keshav Kapadnis**  
Age 59 Years, Occ. Pensioner,  
R/o. Nitane , Tq. Baglan Dist. Nashik
96. **Gangadhar Pandit Londhe**  
Age 59 Years, Occ. Pensioner,  
R/o. Ganpat Nagar, Satana , Tq. Baglan Dist. Nashik
97. **Shobhna Kashinath Birari**  
Age 59 Years, Occ. Pensioner,  
R/o. Vivekanand Nagar -2, Manmad,  
Tq. Nandgaon Dist. Nashik
98. **Ashok Dhondiram Borade**  
Age 60 Years, Occ. Pensioner,  
R/o. Ghoti.Bu, Tq. Igatpuri Dist. Nashik
99. **Zipru Budha Chaure**  
Age 60 Years, Occ. Pensioner,  
R/o. Maliwade, Tq. Baglan Dist. Nashik
100. **Chintaman Lahanu Chaure**  
Age 60 Years, Occ. Pensioner,  
R/o. Aliyabad , Tq. Baglan Dist. Nashik
101. **Sarjerao Dharmaji Shirsath**  
Age 61 Years, Occ. Pensioner,  
R/o. Adgaon Shivar, Tq. & Dist. Nashik
102. **Pandurang Walmik Avhad**  
Age 60 Years, Occ. Pensioner,  
R/o. H. No. 13, Vidya Nagar, Makhmalabad.  
Tq. & Dist. Nashik.
103. **Arun Keda Kapadnis**  
Age 64 Years, Occ. Pensioner,  
R/o. Satana, Tq. Baglan Dist. Nashik.
104. **Ravindra Sahebrao Pawar**  
Age 61 Years, Occ. Pensioner,  
R/o. Chetana Vaibhav Apartment, Nashik,

Tq. & Dist. Nashik.

**105. Ashok Vyankat Kapadnis**

Age 61 Years, Occ. Pensioner,  
R/o. Sambhaji Nagar, Nampur,  
Tq. Baglan Dist. Nashik.

**106. Dadaji Nimba Bhamare**

Age 60 Years, Occ. Pensioner,  
R/o. Abhimanyu Nagar, Satana,  
Tq. Baglan Dist. Nashik

**107. Sulochana Dadaji Bhamare**

Age 59 Years, Occ. Pensioner,  
R/o. Abhimanyu Nagar, Satana,  
Tq. Baglan Dist. Nashik.

**108. Uttam Waman Jagtap**

Age 61 Years, Occ. Pensioner,  
R/o. Sharayu Park, Adgaon Shivar, Nashik  
Tq. & Dist. Nashik.

**109. Shakuntala Hari Pawar**

Age 61 Years, Occ. Pensioner,  
R/o. Shivaji Nagar, Satana, Tq. Baglan Dist. Nashik.

**110. Madhukar Shravan Deore**

Age 66 Years, Occ. Pensioner,  
R/o. Chatrapati Shivaji Nagar, Satana,  
Tq. Baglan Dist. Nashik.

**111. Ravindra Wamanrao Bhalerao**

Age 59 Years, Occ. Pensioner,  
R/o. Vijay Nagar, Sinnar, Tq. Sinnar  
Dist. Nashik.

**112. Ashok Kisan Thorat**

Age 60 Years, Occ. Pensioner,  
R/o. Ro-house No.5, Hanuman Nagar, Nashik,  
Tq. & Dist. Nashik.

**113. Sanjay Bhila Dhondage**

Age 60 Years, Occ. Pensioner,  
R/o. Sada Nagar, Satana, Tq. Baglan Dist. Nashik.

**114. Vishwas Kashinath Bhamare**

Age 61 Years, Occ. Pensioner,  
R/o.D.B. Nagar, Chaugaon Road, Satana,  
Tq. Baglan Dist. Nashik.

**115. Surekha Pandit Sonawane**

Age 60 Years, Occ. Pensioner,  
R/o.Pathak Maidan Sath Phuti Road, Satana,  
Tq. Baglan Dist. Nashik.

**116. Meera Raghunath Nikam**

Age 60 Years, Occ. Pensioner,  
R/o.Kalwan Road, Near Water Tank, Deola  
Tq. Deola Dist. Nashik.

**117. Vishwas Sahebrao Thakre**

Age 60 Years, Occ. Pensioner,  
R/o.Kasturcha Nagar, Nampur,  
Tq. Baglan Dist. Nashik.

**118. Ashok Rajaram Mahalpure**

Age 67 Years, Occ. Pensioner,  
R/o. Flat No. 06, Godavari Darshan Apartment,  
Indira Nagar, Nashik Tq. &Dist. Nashik. ....Petitioners

***Versus***

**1. The State Maharashtra**

Through its Secretary,  
Rural Development Department,  
Mantralaya, Mumbai-32.

**2. The State Maharashtra**

Through its Secretary,  
Finance Department,  
Mantralaya, Mumbai-32.

**3. The Chief Executive Officer,**

Zilla Parishad Nashik, Dist. Nashik.

4. **The Education Officer (Primary)**  
Zilla Parishad Nashik, Dist. Nashik. ....Respondents

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Mr. Chintamani K. Bhangoji a/w. Mr. Estling S. Murge, Advocates  
for the Petitioners.

Mrs. Nisha Mehra, for Respondent Nos.1 and 2.

Mr. Ashwin R. Kapadnis, for Respondent Nos.3 and 4-Zilla  
Parishad, Nashik.

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**CORAM : RAVINDRA V. GHUGE**  
**&**  
**ABHAY J. MANTRI, JJ.**

**DATE : 18<sup>th</sup> MARCH, 2026**

**ORAL JUDGMENT: (PER RAVINDRA V. GHUGE, J.)**

1. **Rule.** Rule made returnable forthwith and heard finally  
by the consent of the parties.

2. The Petitioners have put forth prayer clauses (B), (C),  
(D) and (E), as under:

*“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 the Res. No.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 a year.*

*(C) 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 Respondents No.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 may pass necessary order or direction in favor of the petitioners.*

*(D) This Hon'ble court be pleased to issue writ of mandamus or any other appropriate writ, order or direction in like nature and hold and declare that, rule 10 of the Maharashtra civil service (Revised Pay) Rules 2009 is ultra vires and not binding on the right of the petitioner to get the benefit of annual increment.*

*(E) Pending hearing and final disposal of this writ petition to direct the Res. No.3 and 4 to grant retirement benefit including annual increment which was due after retirement of the petitioners.”*

3. The learned Advocate for the Petitioners submits on instructions that the Petitioners are in fact seeking the benefit of Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009. Therefore, they submit that prayer clause (D) is not pressed and deleted. Leave to delete. Deletion be carried out forthwith.

4. The issue raised by these Petitioners is no longer *res integra*. Under the 6<sup>th</sup> Pay Commission, the year for accounting the annual increments is from 1<sup>st</sup> July up to the 30<sup>th</sup> day of June of the

next year. The issue as to whether a candidate would be entitled for such increment if he/she superannuates on 30<sup>th</sup> June, was dealt with by several Courts.

5. By a judgment dated 4<sup>th</sup> May, 2022 delivered in Writ Petition No.14632 of 2021 at Aurangabad in ***Balaji Manikrao Biradar vs. State of Maharashtra & Ors.***, led to the conclusion that since this increment is not an advance increment, but is an increment which is payable after completing one year of employment, notwithstanding that a candidate superannuates after office hours on 30<sup>th</sup> June, he is deemed to have earned the annual increment and, therefore, the increment is payable.

6. Several orders/judgments delivered by this Court were assailed before the Hon'ble Supreme Court and the same have been sustained. A large bunch of cases were taken up for adjudication by the Hon'ble Supreme Court in ***Director (ADMN. and HR) KPTCL vs. V. C. P. MUNDINAMANI<sup>1</sup>***, and it was concluded that the said increment is earned by an employee for working over one year and hence, the employee is entitled to an increment even if he/she retires

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1 AIR 2023 SC 1956

on 30<sup>th</sup> June of a particular year.

7. Insofar as cases wherein an employee may have worked for a lessor duration during one year, Rule 10 of the Maharashtra Civil Services (Revised Pay), Rules, 2009 would cover cases of employees who have worked for six months and above in the revised pay structure as on 1<sup>st</sup> July, and would also be entitled for the increment. All those Petitioners who have worked for six months and above in a particular year, would be entitled for the benefits of the annual increment and their retirement dues would be calculated by reckoning such increment while calculating their last drawn wages.

8. In view of the above, **this Petition is partly allowed** with the following directions:-

(a) The Petitioners would be entitled for monetary benefits/difference of pensionary benefits as per the actuals w.e.f. from their respective dates of superannuation, provided they have worked for 6 months or more in the last year up to their superannuation.

(b) The pensionary benefits of the Petitioners would be recalculated by including the annual increment in their last drawn salary prior to their superannuation and such recalculated pensionary benefits shall be payable to them.

(c) Arrears if any, shall be paid to them within a period of 90 days. Many of the Petitioners have approached belatedly before this Court and, therefore, akin to the orders passed in several matters, they would be not entitled for the interest component.

9. **Rule is made partly absolute in the above terms.**

**(ABHAY J. MANTRI, J.)**

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

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MILIND  
PATIL  
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signed by  
SONALI  
MILIND  
PATIL  
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