

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**COMMON ORDER IN ORIGINAL APPLICATION NOS. 965, 966, 967,
968, 969, 880 & 881 ALL OF 2022**

1. ORIGINAL APPLICATION NO. 965 OF 2022

DISTRICT : OSMANABAD

Prabhakar Mallappa Kawathekar,)
Age : 71 years, Occu. : Retired,)
R/o : 26/91/238, Samarth Nagar,)
Osmanabad, Tq. and Dist. Osmanabad.)

.... **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through its Secretary,)
Finance Department,)
Mantralaya, Mumbai.)

2. The Assistant Director,)
Local Fund Accounts Audit, Osmanabad.)

... **RESPONDENTS**

W I T H

2. ORIGINAL APPLICATION NO. 966 OF 2022

DISTRICT : OSMANABAD

Bhalchandra Pandurang Dharurkar,)
Age : 67 years, Occu. : Retired,)
R/o : 27/457 Shivkunj, Samta Colony,)
Osmanabad, Tq. and Dist. Osmanabad.)

.... **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through its Secretary,)
Krushi Department,)
Mantralaya, Mumbai.)

2. The District Superintendent Krushi (Agri),)
Central Building, Osmanabad.)

... **RESPONDENTS**

W I T H

3. ORIGINAL APPLICATION NO. 967 OF 2022**DISTRICT : OSMANABAD**

Pandharenath Bhagwanrao Dhorge,)
 Age : 72 years, Occu. : Retired,)
 R/o : 26/154 C, Samarth Nagar,)
 Osmanabad, Tq. and Dist. Osmanabad.)

.... **APPLICANT****V E R S U S**

1. The State of Maharashtra,)
 Through its Secretary,)
 Finance Department,)
 Mantralaya, Mumbai.)

2. The Assistant Director,)
 Local Fund Accounts Audit, Osmanabad.)

... **RESPONDENTS****W I T H****4. ORIGINAL APPLICATION NO. 968 OF 2022****DISTRICT : OSMANABAD**

Jilani Azimoddin Shaikh,)
 Age : 68 years, Occu. : Retired,)
 R/o : Samta Nagar, Osmanabad,)
 Tq. and Dist. Osmanabad.)

.... **APPLICANT****V E R S U S**

1. The State of Maharashtra,)
 Through its Secretary,)
 Irrigation Department,)
 Mantralaya, Mumbai.)

2. Executive Engineer,)
 Minor Irrigation Division, Latur.)

... **RESPONDENTS****W I T H****5. ORIGINAL APPLICATION NO. 969 OF 2022****DISTRICT : OSMANABAD**

Shaikh Rahim Shaikh Chand,)
 Age : 69 years, Occu. : Retired,)
 R/o : Samta Nagar, Osmanabad,)
 Tq. and Dist. Osmanabad.)

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,**)
Through its Secretary,)
Public Work Department,)
Mantralaya, Mumbai.)
2. **Executive Engineer,**)
Public Work Division, Osmanabad.)

... **RESPONDENTS****W I T H****6. ORIGINAL APPLICATION NO. 880 OF 2022****DISTRICT : OSMANABAD**

- Ajgar Ali Mohiddin Shaikh,**)
Age : 59 years, Occu. : Retired,)
R/o : Galli No. 13/12, Amrin Manjil,)
Khaja Nagar, Osmanabad,)
Tq. and Dist. Osmanabad.)

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,**)
Through its Secretary,)
Home Affairs Department,)
Mantralaya, Mumbai.)
2. **The Dist. Superintendent of Police,**)
S.P. Office, Osmanabad.)

... **RESPONDENTS****W I T H****7. ORIGINAL APPLICATION NO. 881 OF 2022****DISTRICT : OSMANABAD**

- Vilas Vithalrao Sathe,**)
Age : 59 years, Occu. : Retired,)
R/o : Near Dnyaneshwar Mandir,)
Osmanabad, Tq. and Dist. Osmanabad.)

.... **APPLICANT****V E R S U S**

1. **The State of Maharashtra,**)
Through its Secretary,)
Home Affairs Department,)
Mantralaya, Mumbai.)

2. The Dist. Superintendent of Police,
S.P. Office, Osmanabad.)

... RESPONDENTS

APPEARANCE : Shri Omprakash Waghmare, learned counsel
holding for Shri Ganesh Kore, counsel for the
applicants in all these O.As.

: Shri V.R. Bhumkar, learned Presenting Officer for
respondent authorities in all these O.As.

CORAM : **Hon'ble Justice Shri P.R. Bora, Vice Chairman**

DATE : **13.09.2023.**

ORAL - COMMON ORDER

1. Heard Shri Omprakash Waghmare, learned counsel holding for Shri G.J. Kore, learned counsel for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 in O.A. No. 966. Same is taken on record and copy of the same is given to the other side.

3 Since in all these matters issue raised is in respect of the entitlement of the applicants to get the annual increment which fell due on 1st July of the year of their retirement, all these

matters are heard together and I deem it appropriate to decide all these matters by this common order.

4. At the outset it has to be stated that the Hon'ble Apex Court has settled the law on this issue. The Hon'ble Apex Court has held that the Government employee retiring on 30th June must be held entitled for the annual increment, which fell due on the very next day of his retirement i.e. on 1st July of the respective year of his retirement. The Hon'ble Apex Court has observed that the increment is granted to the Government servants for their performance of last 12 months and as such, has held the employees retiring on 30th June entitled for increment payable on 1st July of the respective year of their retirement. In view of the judgment of the Hon'ble Apex Court, now the Government of Maharashtra has taken a policy decision and issued the Circular dated 28.06.2023. Same is placed on record by the applicants.

5. Learned counsel for the applicants submitted that in the said Circular the State Government has principally agreed for granting said increment and the consequential retiral benefits. In view of the aforesaid Circular, all these Original Applications deserve to be allowed and accordingly are allowed. All these

applicants are held entitled for the annual increment, which fell due on 1st July of their respective year of retirement and the respondents are directed to recalculate the retiral benefits payable to the applicants in view of grant of said increment in their favour. It is clarified that the applicants would be entitled for the monetary benefits / arrears restricted to period of three years preceding to the date of their making the present Original Applications. The respondents shall remit the benefits / arrears payable to the applicants within 12 weeks from the date of this order.

6. All these Original Applications stand disposed of with the above said observations. There shall be no order as to costs.

PLACE : Aurangabad.
DATE : 13.09.2023

(Justice P.R. Bora)
Vice Chairman

O.A. Nos. 965 to 969, 880 & 881 all of 2022 PRB Annual Increment and other benefits.