

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1047 of 2022 (S.B.)

- 1) Anandkumar s/o. Rajaram Jambhulkar,
Age about 63 years, Occ.: Retired,
R/o. Plot No. 361, Bank Colony,
Near Nari Telephone Exchange, Nagpur-440026.
- 2) Manikchand s/o. Jiwanlal Bisen,
Age about 63 years, Occ.: Retired,
R/o. Behind Technical School, Govindpur,
Near Mata Mandir, Gondia, Dist. Gondia.
- 3) Smt. Lata Shankar Behare,
Age about 63 years, Occ.: Retired,
R/o. Plot No. 136, 'Tuljai' Beside Capital City,
Bajrang Nagar, Koradi Road, Nagpur-441 111.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary, Public Works Department,
Madam Kama Road, Hutatma Rajguru Square,
Mantralaya, Mumbai-32.
- 2) Executive Engineer,
Public Works Department,
Division No.2, Gondia-441 601.
- 3) Executive Engineer,
Public Works Department,
Division No.1, Balaghat Road, Gondia-441 601.

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Shri M.I. Khan, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 18/04/2023.

J U D G M E N T

Heard Shri R.M. Fating, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

2. The matter is heard and decided finally with the consent of learned counsel for parties.

3. The case of the applicants in short is as under –

The applicants are retired employees of respondents department. The applicants were working as Sectional Engineer / Divisional Engineer and Senior Clerk in the office of respondents. All applicants are retired after completion of age of superannuation on 30/06/2017. They were entitled for regular increment which falls due on 01/07/2017, but they were not granted the increment which falls due on 01/07/2017. The details of the applicants are given in the following Chart –

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department	Due date of Increment
1	2	3	4	5	6	7
1	Anandkumar Rajaram Jambhulkar	Sectional Engineer O/o. Executive Engineer, Public Works Department, Division No.2, Gondia.	28.06.1959	16.05.1983 (Junior Engineer)	30.06.2017	01.07.2017
2	Manikchand Jiwanlal Bisen	Sub Divisional Engineer O/o. Executive Engineer, Public Works Department, Division No.2, Gondia.	30.06.1959	11.02.1980 (Junior Engineer)	30.06.2017	01.07.2017
3	Smt. Lata Shankar Behare	Senior Clerk O/o. Executive Engineer, Public Works Department, Division No.1, Gondia.	03.06.1959	05.08.2000 (Senior Clerk)	30.06.2017	01.07.2017

4. All the applicants made representations, but said representations are not decided by the respondents. Hence, they approached to this Tribunal.

5. Heard Shri M.I. Khan, learned P.O. for the respondents. The O.A. is strongly opposed by the respondents. It is submitted that all the applicants are retired on 30th June and therefore, they are not entitled for any increment which falls due on 1st July of the respective year. Hence, the O.A. is liable to be dismissed.

6. The issue in respect of grant of increment which falls due on 1st July of the respective year is now finally decided by the Hon'ble Supreme Court. The first decision on this point is of Division Bench of the Hon'ble Madras High Court in Writ Petition No.15732 of 2017 in Case of ***P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others.*** In the said decision, the Division Bench of the Hon'ble Madras High Court has held that employees who retired on 30th June, they are entitled to get increment which falls due on 1st July of the respective year. The said decision was challenged before the Hon'ble Supreme Court in SLP No.22283/2018. The said SLP was dismissed on 23/07/2018. The Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.5864/2019 relying on the Judgment of the Hon'ble Madras High

Court allowed the Writ Petition and directed the respondent, i.e., Zilla Parishad to grant notional annual increment to the Petitioners.

7. In the recent Judgment, the Hon'ble Supreme Court in the case of the ***Director (Admn. and HR) KPTCL & Ors. Vs. C.P. Mundinamani & Ors.***, in Civil Appeal No.2471/23 in SLP No.6185/2020, decided on 11/04/2023 has held in para-7 as under –

“(7) In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.”

8. In view of the Judgment of Hon'ble Supreme Court, the following order is passed -

ORDER

i) The O.A. is allowed.

ii) The respondents are directed to grant increment which falls due on 1st July of the respective year along with all consequential benefits to the applicants shown in the Chart within a period of three months from the date of receipt of this order.

iii) No order as to costs.

Dated :- 18/04/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/04/2023.