

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1212 of 2022 (S.B.)

- 1) Ravindra Mahadeorao Paraye,
Aged-60 years, Occu-Retired
R/O Plot No. 22, Sudarshan Nagar,
Hudkeshwar Nagpur.
- 2) Vijaykumar Shankarrao Fulzele,
aged about 59 years, Occupation: Retired,
R/o Plot No. 30, Mangalmurti nagar Arni road, Wadgaon,
Yavatmal.
- 3) Narendra Kewalramji Darde,
Aged-60 years, Occu-Retired R/O Nagpur,
Tah. & Dist. Nagpur.
- 4) Wasudeo Mahadeorao Khopade,
Aged- 61 years, Occu-Retired
R/O Unanti nagar, Kaulkhed, Akola, Tah. & Dist. Akola.
- 5) Rameshwar Shamrao Fate,
Aged- 61 years, Occu—Retired
R/O Sheshnagar, Jamb road wadi, Khamgaon,
Tah. Khamgaon, Dist. Buldhana.
- 6) Bhimrao Duryodhanji Wavare,
aged about 59 years, Occupation: Service- PWSI (Engg.),
R/o 89-Shidheshwar nagar, Kharbi, Ring road, Hingna, Nagpur.
Tah. & Dist. Nagpur.
- 7) Ansar Ahmad Iqbal Hussain
Aged-62 years, Occu: Retied,
R/O Alhilal Colony, Behind Niyaj School, Amravati.
- 8) Deepak Mandeoji Malame,
aged about 56 years, Occupation: Service (RMO),
R/o Plot No. 92, Lok Seva nagar, Trimuti nagar, Nagpur.
- 9) Pradeep Rambhau Gajbhiye,
Aged about 59 years, Occu: Retired,
R/o Plot No. 59, Ssatbhawanagan nagar, Gorle lay out,
Zingabai Takali, Nagpur.

- 10) Mukttaji Maroti Chopade,
Aged about 63 years, Occu: Retired,
R/o 345, Mahada Colony, N-9, Cidco, Aurangabad.

Applicants.

Versus

- 1) The State of Maharashtra, through it's
Additional Chief Secretary, Home Department,
Mantralaya, Mumbai- 32.
- 2) The Additional Director General of Police and Director of Police
Wireless, Dr. Homi Bhabha Road, Chavav Nagar,
Pune 411008.
- 3) The Commissioner of Police,
Pune, Tah. & Dist. Pune.
- 4) The Superintendent of Police,
Bhandara, Tah. & Dist. Bhandara.
- 5) The Superintendent of Police,
Buldhana. Tah. & Dist. Buldhana.
- 6) The Superintendent of Police,
Akola, Tah. & Dist. Akola.
- 7) The Superintendent of Police,
Wardha. Tah. & Dist. Wardha.
- 8) The Commissioner of Police,
Nagpur City Nagpur.
- 9) The Superintendent of Police (Rural),
Aurangabad, Tah. & Dist. Aurangabad.

Respondents.

Shri S.N. Gaikwad, Advocate for the applicant.
Shri A.M. Khadatkar, 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 S.N. Gaikwad, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

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

All the 10 applicants approached to this Tribunal for direction to the respondents to grant increment which falls due on 1st July of the respective year. All applicants were working in the Police (wireless) Department. All they are retired on 30th June of the respective year as per the Chart given below –

Sr. No.	Name of Applicant	Date of Birth	Date of Retirement	Annual Increment fall due date	Date of representation
1	2	3	4	5	6
1	Ravindra Mahadeorao paraye	01/07/1962	30/06/2020	01/07/2020	31/05/2022
2	Vijay S. Fulzele	26/06/1962	30/06/2020	01/07/2020	06/07/2020
3	Narendra Kewalraji Darde	01/07/1962	30/06/2020	01/07/2020	09/06/2022
4	Wasudeo Khopade	20/06/1961	30/06/2019	01/07/2019	09/07/2020
5	Rameshwar Fate	25/06/1961	30/06/2019	01/07/2019	29/07/2020
6	Bhimrao Wavare	--	30/06/2010	01/07/2010	30/06/2022
7	Ansar Ahmad Iqbal Hussain	01/07/1960	30/06/2018	01/07/2018	07/07/2020
8	Deepak Malame	29/06/1964	30/06/2022	01/07/2022	---
9	Pradip Gajbhiye	09/06/1964	30/06/2022	01/07/2022	--
10	Mukttaji Chopade	05/06/1959	30/06/2017	01/07/2017	20/08/2019

3. The respondents have not granted increment which falls due on 1st July of the respective year.

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

5. Heard Shri A.M. Khadatkhar, 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.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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.