

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 149 of 2023 (S.B.)

1. Shri. Vijay Murlidhar Pupreddiwar,
Retired S.D.E, P.W.D.R/o 69, Urvila
Colony, On Ring Road, Chhatrapati
Nagar, Wardha Road, Nagpur 440 015
2. Shri. Deorao Kawadu Balpande, retired, S.E.
102, The Park Regalia, Khare Town,
Dharampeth, Nagpur 440 010.
3. Shri. Prakash Payaru Ingole ,retired,S.D.E.
37, Bhange Vihar,Trimurti Nagar, Nagpur 22.
4. Shri. Dilip Sitaram Shegaonkar, retired S.D.O.
83, Gajanan Dham, Sahakar Nagar, Nagpur 25.
5. Shri. Ravindra Satyanarayan Shriramwar,
retired S.D.O. 79, RMS Colony, Anant Nagar,
Near Ekta/Basera Apptt., Nagpur 440 013.
6. Shri. Nependraprasad Champalal Bisen,
retired S.D.O. 107, Samajbhushan Gruha
Nirman Sanstha, Near Gajanan Nagar,
Wardha Road, Nagpur 440 015.
7. Shri. Sunil Bhagawantrao Surdas, retired
S.D.O.,50, Laxminagar, Sevagram Road,
Wardha 442 001.
8. Shri. Sudhir Gulabrao Bardekar, retired SDO,
103, Fortune Building ATHARVNAGARI-2,
Besa-Pipla Road, Nagpur 440 034.
9. Shri. Mukund Rambhauji Kurjekar, retired
Asst. Eng.grade 2, 62, Uday Nagar, Near
N.I.T. Garden, Uday Nagar, Nagpur 24.
10. Shri. Kishor Eknathrao Admane,retired
S.D.E. 1203 C Wing, Jayanti Nagari -5,
Behind Haldiram Sweet Mart, Besa Nagpur
440 034.

11. Shri. Rajendrakumar Mangalchand Jain, Retired, S.D.E. 102, Saikrupa Towers, Nelson Square, Koradi Road, Nagpur 13.
12. Shri. Ashwinikumar Pralhad Bhelonde, retired S.D.O. Row House No.20, Nirmal Nagari, Umred Road, Nagpur 440 009.
13. Shri. Mahendra Tulshiram Mudey, retired, SDE, 46-47, GANARAYA, Padmavati nagar, Beltarodi Road, Besa, Nagpur (Gramin) 440 037.
14. Shri. Hemant Vasantao Vairagade, retired, SDE, 37, Naik Layout, Nelco Society, opp. Viveka Hospital, Nagpur 22.
15. Shri. Sudhakar Narayan Dongre, retired SDO, 20, Trisharan Nagar, Near Khamla Telephone Exchange, Khamla, Nagpur 440 025.
16. Shri. Hemant Shantilalji Kothari, retired E.E. Flat No.203, Datta Prayag Apartment, J-1 Laxminagar, Nagpur-22.
17. Shri. Narendra Wamanrao Karadbhajne, retired SDO, 160, Parekh Layout, Trimurti Nagar, Nagpur 440 022.
18. Shri. Arvind Kesharao Pathe, retired, section Eng. 188, Surendra nagar, Khamla Road, Nagpur 440 015.
19. Shri. Charudutta Govindrao Ansingkar Retired, SDE, 57, Swagat Society, Sonegaon, Nagpur 440 025.
20. Shri. Manojkumar Maniramji Jaiswal, Retired, S.E. 25/3 Ujjwal Nagar, Layout No.3, Wardha Road, Nagpur.25

21. Shri. Ramkrishna Shraonji Deotale,
retired Asstt. Eng. Grade-2,
50, Savbhagya Nagar, Hudkeshwar
Road, Nagpur 440 034.
22. Mohammed Sayeed Khan Tanvir,
retired S.D.O. 125, Tanvir Manjeel,
Rathod Layout, Anant Nagar, Nagpur 13.
23. Shri. Sunil Ramlalji Bhandopiya, retired
S.D.E. Shivneri Apartment, Mahavir
society, Kelkar wadi, Wardha 442 001.
24. Shri. Sharadkumar Laxmanprasad Shukla
retired S.D.E. 41, Sneh Nagar, Takiya
Ward, Bhandara 441 904.
25. Shri. Chandrashekhar Rajabhau
Kodgirwar, retired S.D.O. 57, Hanuman
Nagar, Tukum, Chandrapur 442 401.
26. Shri. Diwakar Vasudeorao Dehankar
Retired, S.D.E. 88A, Jawahar Nagar,
Manewad Road, Nagpur 440 024.
27. Smt Vidya Prakash Sangidwar L.R. of
Late Shri. Prakash Laxmanrao Sangidwar
Superintndent 50, Kamgar Nagar, Ramana
Maroti Road, Nagpur 440 009.
28. Smt. Manjusha Madan Dixit, retired,
First Clerk, 259, Arunoday Apatment,
Flat-1, Trikoni Park Dharpeth, Nagpur.
29. Shri. Kishorkumar Rambhau Gorle,
retired Sectional Engineer, 168, Prabhat
Nagar, Godhani(Rly), Nagpur – 123.
30. Shri. Madhukar Madhaorao Mehekare
Retireed, Dy. Eng (Mechanical)
Shivalaya, Giripeth, Nagpur 010.

31. Shri. Ravindra Ramdhan Malwat,
Retired E.E. 9, Sumitra Sadan,
Shrikrishna Colony, near ashoka tiles,
Arni Road Yavatmal 445 001.

32. Shri. Ashok Trimbakrao Jagtap,
retired S.D.O. Opposite Police
Station, Chintamani Chouk, Ner,
Dist. Yavatmal 445 102.

33. Shri. Rajendra Marotrao Girnale,
Retired S.D.O. 30, Shrikrishna
Society, Arni Road, Yavatmal 445 001

34. Shri. Pandurang Baliram Durge,
retired Sec.Engineer, 17-18, Om Shri
Gajanan, Satyanarayan Layout Arni
Road, Wadgaon, Yavatmal 445 001.

35. Shri. Sakharam. C. Kashetwar,
retired S.D.O. Govind Nagar (Kakad
Dati) Pusad 445215 Dist.Yavatmal.

36. Shri. Dipak Narayanrao Jawarkar,
retired S.D.E R/o 11,Shubham
Colony, Near Balaji nagar, Ganapati
Mandir, Shankar Nagar Road,
Amravati -444-606.

37.Govind M. Wankhede,retired SDO,
30,Suvan Nagar,Yevatmal 445 001.

Applicants.

All the applicants named above are employees &
retired Class I and class II officers working under the
R. No.1 to 5, having date of retirement is 30th June, as
per Chart enclosed. **Annexure-A1.**

Versus

- 1] The State of Maharashtra, through its
Additional Chief Secretary,
Public Works Department, Department
Mantralaya, Mumbai -400 032.
- 2] The Chief Engineer,
Public Works region,
Public Works Region, Bandhkam Sankul,
Civil Lines, NAGPUR.440 001.
- 3] The Chief Engineer,
Public Works region,
Paranjape colony,
AMRAVATI 444-603.
- 4] The Superintending Engineer,
P.W.D.,National Highway Circle,
NAGPUR.01.
- 5] The Executive Engineer,
Bridge design Unit (P.W.) Banchakam Sankul,
Civil lines NAGPUR 440 001.

Respondents.

**Shri Bharat Kulkarni, Advocate for the applicant.
Shri H.K. Pande, learned P.O. for respondents.**

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

Dated :- 14/03/2023.

JUDGMENT

Heard Shri Bharat Kulkarni, learned counsel for the applicants
and Shri H.K. Pande, learned P.O. for the respondents.

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

3. All the applicants are retired as per the Chart given below-

Details of Employee (Updated on 01/02/2023)					
Sr. No.	Name of the Employee	Designation	Date of Retirement	By which office the Retirement order is Issued	Postal Address
1	Shri. Deorao Kawadu Balpande	Superintending Engineer	30.06.2018	Office of the Chief Engineer P.W. Region Nagpur	102, The Park Regalia, Khare Town, Dharampeth, Nagpur 440 010
2	Shri. Prakash Payaru Ingole	Sub Divisional Engineer	30.06.2021	Office of the Chief Engineer P.W. Region Nagpur	37, Bhange Vihar, Trimurti Nagar, Nagpur 440 022
3	Shri. Dilip Sitaram Shegaonkar	Sub Divisional Officer	30.06.2022	Office of the Executive Engineer W.B.P. Division (P.W.) Nagpur	83, Gajanan Dham, Sahakar Nagar, Nagpur 440 025
4	Shri. Ravindra Satyanarayan Shriramwar	Sub Divisional Officer	30.06.2019	Office of the Executive Engineer P.W. Division No.1 Gadchiroli	79, RMS Colony, Anant Nagar, Near Ekta/Basera Apptt., Nagpur 440 013
5	Shri. Nependraprasad Champalal Bisen	Sub Divisional Officer	30.06.2014	Office of the Executive Engineer Special Project Division Sironcha	107, Samajbhushan Gruha Nirman Sanstha, Near Gajanan Nagar, Wardha Road, Nagpur 440 015
6	Shri. Sunil Bhagawantrao Surdas	Sub Divisional Officer	30.06.2019	Office of the Executive Engineer P.W. Division Alapalli	50, Laxminagar, Sevagram Road, Wardha 442 001
7	Shri. Sudhir Gulabrao Bardekar	Sub Divisional Officer	30.06.2018	Office of the Executive Engineer P.W. Division No.1 Chandrapur	103, Fortune Buldg ATHARVNAGARI-2, Besa-Pipla Road, Nagpur 34

8	Shri. Mukund Rambhauji Kurjekar	Assistant Engineer Grade-2	30.06.2014	Office of the Executive Engineer Bridge design Unit (P.W.) Nagpur	62, Uday Nagar, Near N.I.T. Garden, Uday Nagar Main Road, Nagpur 440 024
9	Shri. Kishor Eknathrao Admane	Sub Divisional Engineer	30.06.2016	Office of the Executive Engineer P.W. Division No.1 Nagpur	1203 C Wing, Jayanti Nagari - 5, Behind Haldiram Sweet Mart, Besa Nagpur 440 034
10	Shri. Rajendrakumar Mangalchand Jain	Sub Divisional Engineer	30.06.2020	Office of the Executive Engineer PMGSY MRRDA Nagpur	102, Saikrupa Towers, Nelson Square, Koradi Road, Nagpur 440 013
11	Shri. Ashwinikumar Pralhad Bhelonde	Sub Divisional Officer	30.06.2017	Office of the Executive Engineer P.W. Division Nagbhid	Row House No.20, Nirmal Nagari, Umred Road, Nagpur 440 009
12	Shri. Vijay Murlidhar Pupreddiwar	Sub Divisional Engineer	30.06.2018	Office of the Executive Engineer P.W. Division Nagbhid	69, Urvila Colony, On Ring Road, Chhatrapati Nagar, Wardha Road, Nagpur 440 015
13	Shri. Mahendra Tulshiram Mudey	Sub Divisional Engineer	30.06.2020	Office of the Executive Engineer N.H. Division Nagpur	46-47, GANARAYA, Padmavati nagar, Beltarodi Road, Besa, Nagpur (Gramin) 440 037
14	Shri. Hemant Vasantrao Vairagade	Sub Divisional Engineer	30.06.2019	Office of the Executive Engineer P.W. Division No.1 Nagpur	37, Naik Layout, Nelco Society, opp.Viveka Hospital, Nagpur 440 022

15	Shri. Sudhakar Narayan Dongre	Sub Divisional Officer	30.06.2018	Office of the Executive Engineer Integrated Unit (Medical) P.W. Nagpur	20, Trisharan Nagar, Near Khamla Telephone Exchange, Khamla, Nagpur 440 025
16	Shri. Hemant Shantilalji Kothari	Executive Engineer	30.06.2022	Office of the Superintending Engineer P.W. Circle Chandrapur	Flat No.203, Datta Prayag Apartment, J-1 Laxminagar, Nagpur-440 022
17	Shri. Narendra Wamanrao Karadbhajne	Sub Divisional Officer	30.06.2016	Office of the Executive Engineer P.W. Division No.2 Nagpur	160, Parekh Layout, Trimurti Nagar, Nagpur 440 022
18	Shri. Arvind Kesharao Pathe	Sectional Engineer	30.06.2015	Office of the Executive Engineer N.H. Division Nagpur	188, Surendra nagar, Khamla Road, Nagpur 440 015
19	Shri. Charudutta Govindrao Ansingkar	Sub Divisional Engineer	30.06.2017	Office of the Executive Engineer Bridge design Unit (P.W.) Nagpur	57, Swagat Society, Sonegaon, Nagpur 440 025
20	Shri. Manojkumar Maniramji Jaiswal	Superintending Engineer	30.06.2022	Office of the Superintending Engineer N.H. Circle Nagpur	25/3 Ujjwal Nagar, Layout No.3, Wardha Road, Nagpur 440 025
21	Shri. Ramkrishna Shraonji Deotale	Assistant Engineer Grade-2	30.06.2014	Office of the Executive Engineer P.W. Division Bhandara	50, Savbhagya Nagar, Hudkeshwar Road, Sawrabandhe Sabhagruh Road, Nagpur 440 034
22	Mohammed Sayeed Khan Tanvir	Sub Divisional Officer	30.06.2019	Office of the Superintending Engineer V.Q.C.C. (P.W.) Circle Nagpur	125, Tanvir Manjeel, Rathod Layout, Anant Nagar, Nagpur 440 013

23	Shri. Sunil Ramlalji Bhandopiya	Sub Divisional Engineer	30.06.2018	Office of the Executive Engineer Z.P. (Works) Division Chandrapur	Shivneri Apartment, Mahavir Housing society, Kelkar wadi, Wardha 442 001
24	Shri. Sharadkumar Laxmanprasad Shukla	Sub Divisional Officer	30.06.2019	Office of the Executive Engineer Z.P. (Works) Division Nagpur	41, Sneh Nagar, Takiya Ward, Bhandara 441 904
25	Shri. Chandrashekar Rajabhau Kodgirwar	Sub Divisional Officer	30.06.2018	Office of the Executive Engineer P.W. (Tribal) Division Chandrapur	57, Hanuman Nagar, Tukum, Chandrapur 442 401
26	Shri. Diwakar Vasudeorao Dehankar	Sub Divisional Engineer	30.06.2020	Office of the Executive Engineer N.H. Dn Amravati	88A, Jawahar Nagar, Manewad Road, Nagpur 440 024
27	Smt Vidya Prakash Sangidwar L.R. of Late Shri. Prakash Laxmanrao Sangidwar	Superintendent	30.06.2017	Office of the Superintending Engineer P.W. Circle Nagpur	50, Kamgar Nagar, Ramana Maroti Road, Nagpur 440 009
28	Smt. Manjusha Madan Dixit	First Clerk	30.06.2020	Office of the Chief Engineer P.W. Region Nagpur	259, Arunoday Apatment, Flat No. 001, Trikoni Park Dharmpeth, Nagpur 440 010
29	Shri. Kishorkumar Rambhau Gorle	Sectional Engineer	30.06.2014	Office of the Executive Engineer Integrated Unit (Medical) P.W. Nagpur	168, Prabhat Nagar, Godhani(Rly), Nagpur 441 123
30	Shri. Madhukar Madhaorao Mehekare	Deputy Engineer (Mechanical)	30.06.2014	Office of the Executive Engineer P.W. Division No.1 Nagpur	Shivalaya, Giripeth, Nagpur 440 010

YAVATMAL					
31	Shri. Ravindra Ramdhan Malwat	Executive Engineer	30.06.2018	Office of the Superintending Engineer, Public Works Circle, Yavatmal	9, Sumitra Sadan, Shrikrishna Colony, near ashoka tiles, Arni Road Yavatmal 445 001
32	Shri. Ashok Trimbakrao Jagtap	Sub Divisional Officer	30.06.2022	Office of the Executive Engineer Special Project (P.W.) Division Yavatmal	Opposite Police Station, Chintamani Chouk, Ner, Dist. Yavatmal 445 102
33	Shri. Rajendra Marotrao Girnale	Sub Divisional Officer	30.06.2020	Office of the Executive Engineer Special Project (P.W.) Division Yavatmal	30, Shrikrishna Society, Arni Road, Yavatmal 445 001
34	Shri. Pandurang Baliram Durge	Sectional Engineer	30.06.2018	Office of the Executive Engineer, P.W. Division, Yavatmal	17-18, Om Shri Gajanan, Satyanarayan Layout Arni Road, Wadgaon, Yavatmal 445 001
35	Shri. Govind Wankhede	Sectional Engineer	30.06.2018		Yavatamal
36	Shri. S. C. Kashetwar	Sub Divisional Officer	30.06.2018	Office of the Executive Engineer P.W. Division Pusad	Pusad, Govind Nagar, Pusad 445215 Dist. Yavatmal.
AMRAVATI					
37	Shri. Dipak Narayanrao Jawarkar	Sub Divisional Engineer	30.06.2020	Office of the Executive Engineer Special Project (P.W.) Division No.2 Daryapur, Dist.Amravati	11,Shubham Colony, Near Balaji nagar, Ganapati Mandir, Shankar Nagar Road, Amravati 444 606

4. All the applicants are retired on 30th June of the respective year, but they are not granted increment which falls due on 1st July of the respective year shown in the Chart. Hence, all the applicants approached to this Tribunal for direction to the respondents to grant one increment which falls due on 1st July of the respective year and pay consequential benefits.

5. The learned counsel for the applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No. 1881/2023 with connected matters, decided on 16/02/2023.

6. This Tribunal has decided the similar matters holding that the employees who retire on 30th June are entitled for the increment which falls due on 1st July of that year. The first Judgment on this issue is of Division Bench of Hon'ble Madras High Court in the case of *P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal, Chennai and others*. The said Judgment was challenged before the Hon'ble Supreme Court and the SLP was dismissed. The Hon'ble Bombay High Court in the case of *Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others* relying on the said Judgment granted relief to the applicants with direction to grant increment which falls due on 1st July.

7. The learned counsel for the applicant has pointed out the proposal made by the respondent no.2 dated 28/07/2020. The learned counsel for the applicant has pointed the representations made by the applicants dated 10/03/2023. Those are taken on record and marked Exh-X

and X1 for identification. The Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.1881/2023 with connected matters, decided on 16/02/2023 has held that employee who retires on 30/06 is entitled for increment which falls due on 01/07 and also given following directions to the State of Maharashtra.

“14. Pursuant to the above, there have been hundreds of cases filed in this Court and we have been repeatedly passing identical orders in all such cases. Though there is a judicial pronouncement by interpreting the Law applicable, in the peculiar facts of such cases, neither the establishments are initiating steps to dig out such remaining cases of employees who have not approached the High Court, nor are they appealing to the retired employees to come forward and apply for such benefits. If either of these is done, the litigants like these petitioners would be saved of spending time, energy and money. Filing identical cases for different employees day in and day out, not only increases the litigation pressure on the Court, but also on the lawyers. Moreover, pensioners who are senior citizens and who have retired a decade or 15 years ago, are also required to file such petitions before the High Court. We, therefore, find it appropriate to order as under :-

[a] We direct the Chief Secretary of the State of Maharashtra and Principal Secretary (Finance Department), State of Maharashtra, to issue appropriate directions to all the concerned departments to appeal to such candidates, who fall in such category having retired on 30th June of the particular years and who have earned the annual increment on account of performing work for 12 months ending on 30th June, to tender their applications to the concerned Authorities.

[b] After such applications are received, the concerned authorities would grant the reliefs as are being granted by the various High Courts by restricting the arrears of payments to 3 years preceding the dates of the applications or preceding the date of actual retirement as per actuals, whichever is less. With these guidelines, the concerned authorities shall not reject a single application if it fits into the parameters of the judgments delivered by this Court.

[c] In the alternative, let the concerned authorities suo-moto dig out such cases and after scrutinizing the same as regards their entitlement, proceed to grant the benefits as per the judgments of this court, within 120 days.

[d] While undertaking the above exercise, the gratuity/pay fixation/ pension will be re-calculated, so as to be paid to the candidates with arrears as directed above.”

8. Now the issue is already decided by the Hon’ble Bombay High Court, Bench at Bench Aurangabad. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to grant one increment which falls due on 1st July of the respective year to the applicants as shown in the Chart and pay consequential benefits.

(iii) No order as to costs.

Dated :- 14/03/2023.

**(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 : 14/03/2023.