

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 527 of 2019 (S.B.)

Ganpat S/o Shivram Rakhunde,
Aged about 71 years,
Occu : Retd. Government Servant,
R/o 8- Sumitra Nagar, Devai Govindpur, Tukum,
Chandrapur.

Applicant.

Versus

- 1) The Secretary,
Ministry of Finance, Mantralaya, Mumbai-32.
- 2) The Director of Accounts & Treasuries,
101, Maharashi Karve Road, Mumbai-20.
- 3) The Joint Director of Accounts & Treasuries,
Civil Lines, Nagpur-01.
- 4) The District Treasury Officer,
Chandrapur-442 401.

Respondents.

Shri S.M. Khan, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 06/12/2022.

JUDGMENT

Heard Shri S.M. Khan, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The applicant has approached to this Tribunal for the
following reliefs –

“(i) to grant the benefits of deemed date of promotion w.e.f. 03/10/1997.

(ii) to consider and pay the benefits of one step promotion as per G.R. No.2000/3, dated 06/08/2002.

(iii) to pay interest on delayed payment of arrears of service period and after retirement on pension, gratuity and other retiral benefits @ 18% per annum till the actual date of payment.”

3. The learned counsel for the applicant fairly submits that he has received the benefit of the deemed date of promotion w.e.f. 03/10/1997. The second prayer is in respect of to grant him one step promotional pay as per the G.R. dated 06/08/2002 and also prayed for interest.

4. Heard Shri V.A. Kulkarni, learned P.O. for respondents. He has submitted that the applicant was already given the benefit of deemed date of promotion, therefore, the prayer clause no.(i) is satisfied. In respect of prayer clause no.(ii), the applicant prayed that he should be given promotional pay as per G.R. dated 6/8/2002. The contents of the G.R. dated 6/8/2002 is very clear. As per the G.R., the employees who were actually working in the naxalite area, they are entitled to get that benefit of G.R. dated 6/8/2002, but when the employees are transferred from naxalite area to other areas or retired, then they are not entitled to benefit of G.R. dated 6/8/2002.

5. Heard Shri S.M. Khan, learned counsel for the applicant. He has submitted that the applicant is retired in the naxalite area, therefore, his pension is to be fixed by considering his promotional pay. The benefit of G.R. dated 6/8/2002 is to be given to the employees who are actually working in the naxalite area.

6. As per submission of learned P.O., the benefit cannot be claimed after his transfer from that area or after retirement. Therefore, the applicant is not entitled to get pension as per the G.R. dated 6/8/2002. The G.R. was issued by the Govt. of Maharashtra so that the employees should be interested to work in the naxalite area. The intention of the G.R. is not to give the promotional pay for pension.

7. The learned P.O. has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.1701/2015, decided on 22/06/2017. The Hon'ble High Court in Writ Petition No. 1701/2015 has held that the employee is entitled for one step promotional pay during his actual working in the naxalite affected area. That does not mean that he is entitled for the said pay scale even after retirement. It is also observed in the Judgment that if such situation is going on, then the employees who are working in non naxalite area, they used to go willingly at the time of retirement to the naxalite area and get more pension. There will be a queue of the

employees to go to the naxalite area on transfer at the time of retirement.

8. The real meaning of G.R. of 6/8/2002 is to give the incentives to the employees, so that they shall not hesitate to work in the naxalite area and the benefit of the G.R. dated 6/8/2002 is applicable only of the period of actual working in the naxalite area. Therefore, the applicant cannot claim pension on the basis of promotional pay granted to him as per the G.R. dated 6/8/2002. Hence, the following order -

ORDER

The O.A. is disposed of as nothing survives in respect of prayer clause no.(i) and dismissed in respect of prayer clause no.(ii) and (iii). No order as to costs.

Dated :- 06/12/2022.

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 : 06/12/2022.

Uploaded on : 09/12/2022.

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