

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 599 of 2021 (S.B.)

- (1) Smt. Indu Rajaram Savdekar,
Aged about 61 years,
Occ. Retired, C/o Ravindra Tu, Gawai,
Yashwant Nagar, Washim By-pass Road, Akola,
Tq. & Dist. Akola.
- 2) Sau. Dipali Devendra Katrojwar (Kalpalliwar),
Aged about 62 years, Occ. Retired
Flat No.105, First floor Jasmin Shivam Park Shankarpur,
Nagpur-441 108.

Applicants.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Health,
Mantralaya, Mumbai-32.
- 2) The Director, Directorate of Health Service Ayogya Bhavan,
Dental College & Hospital Building,
4th floor, Saint George Hospital Area,
P. Dimello Road, Fort, Mumbai-400 001.
- 3) The Principal Accountant General (A&E)-II,
Maharashtra, W.H.C. Road, Civil Lines, Nagpur-440 001.
- 4) Deputy Director through office of
Health Services of Akola.

Respondents.

Shri S.K. Wankhede, Advocate for the applicants.
Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 22/06/2022.

JUDGMENT

Heard Shri S.K. Wankhede, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicants were working as Staff Nurse. The applicant no.1 retired on 30/6/2018 and applicant no.2 retired on 30/6/2016. The respondents have not given the increment of one year that falls on 1/7/2018 and 1/7/2016 respectively. Therefore both the applicants approached to this Tribunal.

3. The application is opposed by the respondents on the ground that increment is to be paid to the Govt. employee on 1st July of every year as per the 6th Pay Commission. Both the applicants retired on 30th June and therefore they are not entitled for the increment of 1st July of the respective years.

4. The learned counsel has pointed out the Judgment of Hon'ble Division Bench of Madras High Court in Writ Petition No. 15732/2017 in the case of **P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal, Chennai & Ors.**

5. In para-7 of the said Judgment the Hon'ble Madras High Court has held as below –

“(7) The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date

he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent-Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs”.

6. The said Judgment was challenged before the Hon'ble Supreme Court in SLP No.22283/2018. The said SLP was dismissed on 23/7/2018. As per the Judgment of Hon'ble Madras High Court, the employee who retired on 30th June, they are entitled for increment which falls on 1st July. In view of the Judgment of Division Bench of Madras High Court, the applicants are entitled for increment which falls on 1st July of the respective years of respective applicants. Hence, the following order -

ORDER

(i) The O.A. is allowed.

(ii) The applicant no.1 and applicant no.2 are entitled for grant of increment for the period from 1/7/2017 to 30/6/2018 and 1/7/2015 to 30/6/2016 as they have completed one full year service.

(iii) The respondents are directed to pay the increment which falls on 1/7/2018 to applicant no.1 and 1/7/2016 to applicant no.2 for the pensionary benefits only and not for any other purpose.

(iv) No order as to costs.

Dated :- 22/06/2022.

(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 : 22/06/2022.

Uploaded on : 22/06/2022.