

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 759 of 2021 (S.B.)**

Shri Ganraj S/o Vishwanath Kadu,  
Aged about 58 years, Occupation : Retired,  
R/o Jayanti Colony, near Chatri Lake Road,  
Near Ganpati Temple, Amravati, District Amravati.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Home Department, Mantralaya, Mumbai-400 032.
- 2) The Director General of Police,  
State of Maharashtra,  
near Regal Talkies, Culaba, Mumbai.
- 3) Superintendent of Police, Amravati (Rural),  
Near New Collector Compound, Camp area,  
Amravati, District Amravati-444 602.
- 4) Superintendent of Police, Amravati  
Police Protection of Civil right Unit,  
Near Parikshit Biotec, Bhamburkar Wada,  
Old Amravati Bye-pass, Amravati-444 602.
- 5) Accounts Officer, Pay Verification Unit,  
Accounts & Treasury Bhavan, Amravati  
University Road, Amravati, Dist. Amravati.
- 6) Accounts and General A&E (II) Office Maharashtra,  
Civil Lines, Nagpur-440 001.

**Respondents.**

---

**Shri A.P. Sadavarte, Advocate for the applicants.**  
**Shri A.P. Potnis, learned P.O. for respondents.**

---

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

**Dated :- 12/09/2022.**

---

**JUDGMENT**

Heard Shri A.P. Sadavarte, learned counsel for the applicant  
and Shri A.P. Potnis, learned P.O. for the respondents.

2. The learned counsel for the applicant has submitted that the applicant was working as a Police Head Constable. He has done excellent work and therefore by order dated 17/08/2009, the applicant along with others, were granted two advance increments. The name of applicant is at Sr.No.123 of the said order. The copy of order granting advance increment is at Annex-A-2. Thereafter, the respondents issued office order dated 13/08/2021 (page no.29). By this order, the respondents directed to deduct two advance increments granted to the applicant as per the direction given in Govt. G.R. dated 24/8/2017.

3. The learned counsel for applicant Shri A.P. Sadavarte has pointed out the Judgment of this Tribunal (DB) in O.A.No.75/2020. He has also pointed out the Judgment of Hon'ble Bombay High Court in Writ Petition No.1062/2020 along with connected petitions.

4. Heard learned P.O. for respondents Shri A.P. Potnis. As per his submission, the respondents have started recovery as per the direction of the Government, vide G.R. dated 24/8/2017.

5. This Tribunal has allowed the O.A.No. 75/2020 relying on the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.10993/2019 along with connected petitions. In the said Judgment, the Hon'ble High Court has held that the recovery on the basis of applying 6<sup>th</sup> Pay Commission is not legally correct. The Hon'ble Bombay High Court has held that the advance increments granted to the employees in respect of their excellent work before the 6<sup>th</sup> Pay Commission cannot be

recovered after the 6<sup>th</sup> Pay Commission. Therefore, the Hon'ble Bombay High Court in Writ Petition No.10993/2019 along with connected matters held that "the Government Resolution dated 24/8/2017 will have prospective effect and not retrospective and if benefit was accorded to petitioners of excellent work in the year 2006,2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners."

6. The applicant was given advance increments in the year 2009. Therefore, after giving effect of 6<sup>th</sup> Pay Commission, the respondents cannot recover the amount of advance increments granted to the applicant. Hence, I proceed to pass following order –

**ORDER**

- (i) The impugned order dated 13/8/2021 for the recovery of amount (advance increments) from the retirement benefits of the applicant is hereby quashed and set aside.
- (ii) The respondents are directed not to deduct the said amount from the pensionary benefits / amount of gratuity of the applicant. The respondents are directed to release the amount of gratuity and pensionary benefits of the applicant.
- (iii) The O.A. is disposed off. No order as to costs.

**Dated** :- 12/09/2022.

**(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 : 12/09/2022.

Uploaded on : 13/09/2022.