

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 804 of 2022 (S.B.)**

Shri Chandnsingh S/o Ramsingh Rathod,  
Aged about 62 years,  
Occupation : Retired Deputy Director of Education,  
R/o Pratik Tower, Shankar Nagar Road,  
Amravati – 444 606.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Principal Secretary,  
School Education & Sports Department,  
Mantralaya Extension Bhawan,  
Madam Kama Road, Hutatma Rajguru  
Chowk, Mumbai-32.
- 2) The Commissioner (Education),  
Commissioner Office of Education,  
Central Building, Pune-1.

**Respondents.**

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**Shri D.M. Surjuse, Advocate for the applicant.**  
**Shri S.A. Sainis, learned P.O. for the respondents.**

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

**Dated :- 21/12/2022.**

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**JUDGMENT**

Heard Shri D.M. Surjuse, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

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

3. The case of the applicant in short is as under –

The applicant was appointed as a Head Master on 23/03/1992. Thereafter in the month of August, 2017, the applicant was promoted as a Joint Secretary, SSC Board, Maharashtra State, Pune. Thereafter, the applicant was promoted as Regional Deputy Director of Education, Amravati. The applicant came to be retired as Deputy Director of Education, Amravati on 30/06/2018 on attaining the age of superannuation. The respondent has not granted increment which falls due on 01/07/2018, therefore, the applicant approached to this Tribunal.

4. The reply is not filed by the respondents. As per the submission of learned counsel for applicant, this matter is covered by the Judgment of this Tribunal in O.A.No.919/2020. The Division Bench of Bombay High Court at Nagpur Bench in Writ Petition No.1443/2022, decided on 14 July 2022 has held as under-

*“ The challenge raised in the Writ Petition is to the common order dated 28/09/2020 in Original Application Nos.976/2019, 977/2019 and 1054/2019. By that order the Tribunal has held the respondents herein entitled to receive annual increment notwithstanding the fact that the said respondent retired on 30<sup>th</sup> June of the year in which he superannuated.*

*We find this issue has been considered and decided in **Pandhurang Vithobaji Dhumne Ors. Vs. State of Maharashtra, through its Secretary and Ors. (2022) 2 Bom CR 644**”. Since the judgment of the Tribunal is in accordance with what has been held in*

*the aforesaid judgment, we do not find any reason to interfere in Writ Petition. It is accordingly dismissed. No costs.”*

5. In view of the judgment of Hon'ble Bombay High Court in the case of ***Pandhurang Vithobaji Dhumne Ors. Vs. State of Maharashtra, through its Secretary and Ors. (2022) 2 Bom CR 644*** (In Writ Petition No 1443/2022 and in O.A.No.976/2019), the applicant is entitled to get the increment which falls due on 1<sup>st</sup> July, 2018. Hence, the following order –

**ORDER**

i) The O.A. is allowed.

ii) The respondent nos.1&2 are directed to grant increment to the applicant which falls on 01/07/2018.

iii) The respondents are directed to pay all consequential benefits to the applicant, as per rules.

iv) No order as to costs.

**Dated** :- 21/12/2022.

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 : 21/12/2022.