

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 127 of 2021 (DB)

(1) Chandrakant S/o Kisanrao Shirsat,
Aged about 61 years, Occ. Retired Employment Officer,
R/o near Pinjarkar Convent, Dhone Colony, Shivar, Akola,
Tah. and District Akola.

(2) Laxman S/o Jairam Gawali,
Aged about 59 years, Occ. Retired Junior Employment Officer,
R/o Wanjari Fayal, near School No.4, Yavatmal,
Tah. and District Yavatmal.

Applicants.

Versus

- 1) State of Maharashtra,
through its Secretary, General Administration Department,
Mantralaya, Mumbai-32.
- 2) Skill Development, Employment and Entrepreneurship,
Development Department, Mantralaya, Mumbai-32 through
its Secretary.
- 3) Commissioner, Directorate of Skill Development,
Employment and Entrepreneurship Development,
Kokan Bhavan (Annex) 3rd floor, CBD Belapur,
Navi Mumbai-400 614.
- 4) Deputy Director of Skill Development,
Employment and Entrepreneurship Development,
(Divisional Headquarters), Shri Ghulaxe's Bungalow,
near Vidhya Bharti Mahavidyalaya, Camp Road,
Amravati.

Respondents.

S/Shri P.V. and V.P. Thakre, Advocates for the applicants.
Shri A.P. Potnis, learned P.O. for respondents.

Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman.
And
Hon'ble M.A. Lovekar, Member (J).

Date of Reserving for Judgment : 1st December, 2022.
Date of Pronouncement of Judgment : 6th December, 2022.

JUDGMENT

Per : Member (J).

(Delivered on this 6th day of December, 2022)

Heard Shri P.V. Thakre, learned counsel for the applicants and Shri Shri A.P. Potnis, learned P.O. for the respondents.

2. By order dated 22/07/2008 (Annex-A-2) the applicants were given benefit of an additional increment for outstanding work as per Circular dated 14/12/2006 (Annex-A-1) w.e.f. 01/10/2007. By G.R. dated 27/02/2009 (Annex-A-3) recommendation to grant an additional increment as a matter of policy was approved. However, by Circular dated 03/07/2009 (Annex-A-4) this decision was kept in abeyance. By G.R. dated 24/08/2017 (Annex-A-5) it was laid down –

“ शासन निर्णय -

राज्य वेतन सुधारणा समिती, २००८ यांनी शासनास सादर केलेल्या अहवालातील परिच्छेद ३.२४ मध्ये केलेल्या शिफारशीच्या अनुषंगाने तसेच संदर्भीय क्र.२ येथील शासन परिपत्रक दिनांक ३/७/२००९ मधील तरतूदीच्या अनुषंगाने खालील प्रमाणे निर्णय घेण्यात येत आहे -

“ सहाव्या वेतन आयोगानुसार सुधारीत वेतनश्रेणी अनुज्ञेय झाल्याच्या कालावधीत (दिनांक १/१०/२००६ ते १/१०/२०१५) आगाऊ वेतनवाढीचा लाभ देण्यात येऊ नये. ”

By Judgment dated 05/04/2018 (Annex-A-6) passed in Writ Petition Nos. 8165/2017 and 8170/2017 the Hon'ble Bombay High Court was pleased to direct the concerned Zilla Parishads to grant the benefit of additional increment to eligible District Awardee Teachers. The applicant

no.1 then made representation (Annex-A-7) but to no avail. Hence, this O.A.

3. Stand of respondents 2 to 4 is that in view of G.R. dated 24/08/2017 the benefit of additional increment cannot be extended to the applicants since the policy on which the decision was based has become obsolete.

4. The only issue that arises is whether by G.R. dated 24/08/2017 the benefits which were extended could have been taken away with retrospective effect. In a common Judgment dated 06/09/2022 whereby a batch of Writ Petitions is disposed of, the Hon'ble Bombay High Court has held –

“ (5) Thus, it is now a well settled position that the scheme of grant of advance increments was discontinued for the first time by Government Resolution dated 24/08/2017 and that such decision would operate only prospectively. ”

5. Here it may be mentioned that the applicants have not pressed the prayer clause (a).

6. In view of aboveresferred authoritative pronouncement, the O.A. is allowed in terms of prayer clause (b) with no order as to costs.

(M.A.Lovekar)
Member (J)
Dated :- 06/12/2022.

(Shree Bhagwan)
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 V.C. and Hon'ble Member (J).

Judgment signed on : 06/12/2022.

Uploaded on : 07/12/2022*