

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 37 of 2023 (S.B.)

Anil S/o Namdeo Kendhe,
Aged about 58 years, Occ. Retired,
R/o Plot No.8, Old Kailash Nagar,
Post Ayodhya Nagar, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principal Secretary (Forests),
Revenue and Forest Department,
Mantralaya, Mumbai-400 032.
- 2) Chief Conservator of Forests
(Territorial), BSNL Laxmin Sanchar Bhavan,
Nearby Kasturchand Park, Nagpur-440 001.
- 3) Divisional Forest Officer,
Evaluation Division, Ground Floor,
Vanbhavan, Ramgiri Road, Civil Lines,
Nagpur-440 001.

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Shri A.M. Khadatkhar, learned P.O. for respondents.

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

Dated :- 22/02/2023.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicant
and Shri A.M. Khadatkhar, learned P.O. for the respondents.

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

3. The applicant was working as a Steno-Typist in the establishment of respondent no.3. The applicant came to be retired on 30/06/2022 after attaining the age of superannuation. The respondents have not granted increment which falls due on 01/07/2022. The applicant made representation to the respondents. The respondent no.2 directed respondent no.3 to finalize the claim of the applicant, as per rules. But, respondent no.3 not decided. Hence, this O.A. for the following reliefs –

“ (i) Hold and declare that the applicant is entitled for last increment due on 1st July,2022, upon completion of one full year service on 30th June,2022 ;

(ii) Direct the respondents to release an annual increment due on 1st July,2022, in view of law laid down by the Hon’ble Apex Court, in the interest of justice ;

(iii) Direct the respondents to release and revise pension, gratuity and all other consequential pensionary benefits of the applicant after calculating the annual increment due on 1st July,2022 and further direct the respondents to grant arrears of monetary benefits along with 18% interest thereon. ”

4. Shri A.M. Khadatkar, learned P.O. for the respondents. As per his submission, the issue is pending before the Hon’ble Supreme Court. But nothing is on record to show that any of the Judgment is challenged before the Hon’ble Supreme Court. On the other hand, it is clear that the first Judgment on this issue delivered by the Division

Bench of Hon'ble Madras High Court in the case of ***P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal, Chennai*** was challenged before the Hon'ble Supreme Court in SLP and that SLP was dismissed. The Division Bench of Hon'ble Madras High Court has held that the employee who retires on 30th June, is entitled to get increment which falls due on 1st July of that year.

5. The learned counsel for the applicant has pointed out the Judgment of M.A.T., Bench at Aurangabad in O.A. 500/2022 with connected O.As., delivered on 23/11/2022. The Hon'ble Bombay High Court, Bench at Aurangabad in the case of ***Ramesh Eknath Suryawanshi*** has relied on the Judgment of Hon'ble Madras High Court and directed to pay the annual increment which falls due on 1st July of respective year.

6. There is no dispute that the applicant is retired on 30th June,2022. Therefore, he is entitled for increment which falls due on 01/07/2022. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to grant annual increment which falls due on 01/07/2022.

(iii) The respondents are directed to pay all consequential benefits to the applicant within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 22/02/2023.

(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 : 22/02/2023.

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