

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 764 of 2022 (S.B.)**

Shri Gurubhau S/o Bapurao Gawande,  
Aged about 72 years, Occ. Retired  
R/o Plot No.274, Reshimbagh, Near Hedgewar Bhawan,  
Nagpur-440 009.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Dairy Development Department,  
Mantralaya, Mumbai.
- 2) The District Dairy Development Officer,  
Civil Lines, Nagpur Division, Nagpur.
- 3) The Regional Dairy Development Department,  
Nagpur.
- 4) The Commissioner,  
Dairy Development Department, Worli,  
Mumbai.

**Respondents.**

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**Kirti Satpute, Advocate for the applicant.**  
**Shri A.M. Ghogre, learned P.O. for respondents.**

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

**Dated :- 12/01/2023.**

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**J U D G M E N T**

Heard Mrs. Prachi Joshi, learned counsel holding for Mrs.  
K. Satpute, learned counsel for the applicant and Shri H.K. Pande,  
learned P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.2. It is taken on record.

3. The learned counsel for applicant submits that this matter is covered by the Judgment of this Tribunal in O.A. No. 498/2022. Hence, the matter is admitted and heard finally with the consent of learned counsel for parties.

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

The applicant was working as a Milk Procurement Supervisor. The applicant came to be retired on 30/06/2008. The applicant was not granted increment which falls due on 1<sup>st</sup> July of that year. Hence, he approached to this Tribunal.

5. The application is opposed by the respondents on the ground that the applicant was retired on 30/06/2008 and therefore he is not entitled for increment. The Hon'ble Madras High Court in Writ Petition No.15732/2017 in the case of **P. Ayyamperumal Vs. Registrar, Central Administrative Tribunal, Chennai & Ors.**, has held in para-7 as under –

*“(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 Judgment of Hon'ble Madras High Court was challenged before the Supreme Court and Hon'ble Supreme Court has upheld the Judgment of Hon'ble Madras High Court. As per the above cited Judgment, the employee is entitled for increment which falls due on 1<sup>st</sup> July when employee retires on 30<sup>th</sup> June of that year. The applicant is retired on 30/06/2008, therefore, he is entitled for increment which falls due on 1<sup>st</sup> July of that year. Hence, the following order –

### **ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to grant increment which falls due on 01/07/2008 to the applicant and grant all consequential benefits.

(iii) No order as to costs.

**Dated** :- 12/01/2023.

**(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 : 12/01/2023.\*