

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 726 of 2022 (S.B.)**

1. Pundlik Dadaji Pipare,
Age about 60 years, Occ.: Retired,
R/o."Snehashish" 001 Nirmitti Heights,
Beltarodi road, Nagpur 440 027
2. Deepak Panjabrao Manikpure,
Age about 59 years, Occ.: Retired,
R/o.Hingana Road, Nagpur.
3. Anil Kesharao Kahare,
Age about 67 years, Occ.:Retired,
R/o. Plot No. 72, Atrrey Layout,
Pratapnagar, Nagpur 440 022
4. Pralhad Chaware
Age about 60 years, Occ.: Retired,
Plot No. 35, Sant Saikrupa society,
Narendra nagar, Nagpur 440 015
5. Kishor Rambhau Babhare,
Age about 59 years, Occ.:Retired,
R/o. Flat No. 208, Girish Heights,
LIC square, Kamptee road, Sadar,
Nagpur 440 001
6. Rajesh Narayanrao Gulhane,
Age about 63 years, Occ.: Retired,
R/o. Plot No. 8, Vidya Vihar colony,
Nawathe nagar, Badnera road, Amravati-7
7. Shankar Ramaji Panwatkar,
Age about 60 years, Occ.: Retired, R/o.
P.No. 410 New Yashwant nagar, near
Awtar Meher baba Adyatmic Centre,
Hinganghat - 442 301 Dist. Wardha

8. Bapuji Bhagwanji Parkhi,
Age about 63 years, Occ.: Retired,
R/o.Plot No. 52, Chaware Layout,
Behind Gurudwara Tukaum,
Chandrapur 442 401
9. Vilas Govindrao Wasekar,
Age about 64 years, Occ.:Retired,
R/o. Behind Sai Polytechnic, Wadgaon
ward, Nagpur road, Chandrapur 442 401
10. Anand Pralhad Dethekar,
Age about 62 years, Occ.:Retired,
R/o. A - 503, Atharvanagari 3, Besa
Pipala road, Besa, Nagpur 440 037
11. Ganpat Paikan Yeole,
Age about 59 years, Occ.: Retired,
R/o.Plot No. 5, Engineer colony, Ramnagar,
Chandrapur 442 401.

Applicants..

// Versus //

1. The State of Maharashtra,
Through its Secretary,
Water Resources Department,
Mantralaya, Mumbai – 400032.
2. Chief Engineer,
Water Resources Department,
Sinchan Bhavan, Civil Lines, Nagpur-1.
3. Executive Engineer, Irrigation Project
Division, Nagpur.
4. Executive Engineer, Wardha Irrigation
Division, Wardha
5. Executive Engineer, Chandrapur
Medium Project Division No. 1,
Chandrapur 442 401

6. Executive Engineer, Bhandara
Irrigation Division, Bhandara
7. Executive Engineer, Chandrapur
Irrigation Division, Chandrapur 442 401
8. Executive Engineer Lower Wardha
Project Division, Arvi road, Pipri
(meghe), Wardha - 442 001

Respondents...

Shri R.M. Fating, Advocate for the applicants.
Shri S.A. Sainis, learned P.O. for respondent no.1.
Shri T.M. Zaheer, Advocate for respondent nos.2 to 8.

WITH
ORIGINAL APPLICATION NO. 727 /2022

1. Sunil Kisanrao Kondawar,
Age about 59 years, Occ.: Retired
R/o. Plot No. 31, Ratan Nagar,
Beltarodi road, Nagpur 440 027
2. Jagdish Tulshiram Shrirao,
Age about 64 years, Occ.: Retired,
R/o. Plot No.20, Bharat nagar, near
Prajapati nagar, Yavatmal 445 001
3. Prakash Datatraya Pampattiwar,
Age about 59 years, Occ.: Retired,
R/o. "Parth", Samarthwadi, near Arya
Vaishya Bhavan, Yaotmal 445 001
4. Maroti Thavara Rathod,
Age about 62 years, Occ.: Retired,
R/o. Narayanwadi, near Banjara colony,
Pusad, District Yavatmal
5. Rajpal Chintaman Shende,
Age about 60 years, Occ.: Retired,
R/o. Shrushti Apartment D1/L3/1697
Lohara, District Yavatmal 445 001

6. Parasharam Akaram Surwade,
Age about 63 years, Occ.: Retired,
R/o. Maa Vaishnavi park 2, Ravinagar,
Goenka Layout, Akola - 444 001
7. Surendra Durgaprasad Tiwari,
Age about 64 years, Occ.: Retired,
R/o. "Nilmani residence" Vijay Housing
Society, Gaurakshan road, Akola 444 004
8. Chandrakant Suryabhanji Nanote,
Age about 64 years, Occ.: Retired,
R/o. Plot No. 22, Mohan nagar, Bye pass,
Karanja Lad, District Wasim 444 105

Applicants....

// Versus //

1. The State of Maharashtra,
Through its Secretary,
Water Resources Department,
Mantralaya, Mumbai – 400032.
2. Executive Engineer,
Bembala Irrigation Division,
Yaotmal, Disstt. Yaotmal
3. Executive Engineer,
Yaotmal Project Construction Division,
Yaotmal, District Yavatmal
4. Executive Engineer,
Arunavati Irrigation Division,
Digras, District Yavatmal- 445 203
5. Executive Engineer,
Lift Irrigation Division, Khamgaon
District Buldhana
6. Executive Engineer,
Irrigation Division, Washim - 444 505
7. Executive Engineer,
Minor Irrigation Division, Karanja Lad,
District Wasim-444 105

Respondents...

Shri R.M. Fating, Advocate for the applicants.
Shri S.A. Sainis, learned P.O. for respondent nos.1,5,6 & 7.
Shri T.M. Zaheer, Advocate for respondent nos.2,3 and 4.

WITH

ORIGINAL APPLICATION NO. 728 /2022

1. Ramesh Bhaurao Phate,
Age about 64 year, Plot No.09,
Pornima colony, Ekveera nagar,
M.I.D.C. road, Amravati - 444 607
2. Prashant Bhaskarrao Yeotikar,
Age about 59 years "Yatharth",
Dande colony, near Ashtavinayak mandir,
Sai nagar, Amravati 444 605
3. Naresh Radheshyam Agrawal,
Age about 59 years, Near Lahanuji
Maharaj temple, Krushnarpan Colony,
Amravati 444 607
4. Hiralal Govindrao Iche,
Age about 66, Yashomangal layout,
Behind Meghe Complex, V.M.V. road,
Near Sai mandir, Amravati 444 604.
5. Prakash Madhukarrao Deshmukh,
Age about 59 years, Plot No. 128,
Samata colony, Kathora road, Amravati
6. Bhupendra Hiranmanji Kusale,
Age about 63 years, Plot No. 6,
Galli No. 7, Jawahar nagar,
Amravati 444 604
7. Vasant Madhukarrao Bakhade,
Age about 65 years, Ashwini colony,
Saturna, MIDC, Behind Shrikrishan vihar,
Amravati - 444 607

8. Rajabhau Devidasji Shelotkar,
Age about 67 years, Kiran nagar No. 1,
Behind Prasad colony's Sai mandir,
Narsamma College road, Amaravati 444 606
9. Sudhakar Jayaram Khakare,
Age about 66 years, Shreyash colony,
Near Samarpan colony, Kathora naka,
VMV road, Amaravati.
10. Sudhakar Motiram Fulari,
Age about 59 years Laxmi Niwas,
Datatraya nagar, New Tapdiya nagar
Premises, Khrap road, Akola 444 003

Applicants...

// Versus //

1. The State of Maharashtra,
Through its Secretary,
Water Resources Department,
Mantralaya, Mumbai – 400032.
2. Chief Engineer, Water Resources
Department, (Special Project),
Amravati 444 601
3. Superintending Engineer,
Vegilance Cell, Amravati Co-ordination
Circle, WRD, Amravati 444 603
4. Executive Engineer, Irrigation Project
& Water Resources Investigation
Division, Amravati - 444 602
5. Executive Engineer, Amravati Project
Construction Division, Amravati 444602
6. Executive Engineer, Canal Design
Division, Amravati 444 603

7. Executive Engineer, Amravati Project
Construction Division No. 1 Amravati.
8. Executive Engineer,
Quality Control Division, (Upper
Wardha Project), Amravati - 444 603
9. Executive Engineer,
Irrigation Project Investigation & Water
Resources Division, Jail road, Amravati
10. Executive Engineer, Upper Wardha
Canal Division No. 1, Amravati.
11. Executive Engineer,
Irrigation Project Investigation Division,
Gorakshan road, Akola - 444 001.

Respondents..

Shri R.M. Fating, Advocate for the applicants.
Shri S.A. Sainis, learned P.O. for respondent nos.1 to 4.
Shri T.M. Zaheer, Advocate for respondent nos.5 to 11.

WITH

ORIGINAL APPLICATION NO. 729 /2022

1. Kishor Ganpatrao Mone,
Age about 63 years, R/o. Plot No. 3, Green
park colony, Shankarnagar, P.O. Sainagar,
Near Santaji Manglam, Amravati 444 607
2. Shreeram Ramkrishna Phate,
Age about 62 years, R/o. Devashri,
Eknathpuram, Plot No. 76/B, Row House
3/4, Near Shankar nagar, Amravati 444 60
3. Subhash Ambadasrao Raut,
Age about 68 years, R/o. Harshraj colony,
V.M.V. road, Amravati - 444 604

4. Sainath Vithobaji Dhodare,
Age about 58 years, R/o. Plot No. 4,
Panduputra nagar, Behind CBC mall,
Tristar square, Nagpur road, Chandrapur
5. Anand Shankarrao Wanjari,
Age about 64 years, R/o. In front of Nikhil
General Store, Burchande layout, Dharda
Nagar, Yavatmal. - 445 001
6. Ramesh Pralhadrao Patil,
Age about 63 years, R/o.Ekdant Abhang,
Colony Nandura Road, Khamgaon, Dist.
Buldhana 534 303

Applicants...

// Versus //

1. The State of Maharashtra, through
its Secretary, Public Works
Department, Madam Kama Road,
Hutatma Rajguru Square Mantralaya, Mumbai-32.
2. Superintending Engineer, Vigilance &
Quality Control Circle,(PWD), Amravati - 444 602
3. Executive Engineer,
Public Works Division,
Khamgaon - 444 303, Dist. Buldhana
4. Executive Engineer, Zilla Parishad
Works Division, Amravati - 444 6 01
5. Executive Engineer, Public Works
Division No. 2, Chandrapur 442 401
6. Executive Engineer, Public Works
Division, Pandharkawda
7. Executive Engineer, Public Works
Division, Buldhana 443 001

Respondents....

Shri R.M. Fating, Advocate for the applicants.

Shri S.A. Sainis, learned P.O. for respondent nos.1 to 3,5,6&7.

S/Shri S.M. Bhangde,C.V. Khadse,A.M.Meshram, S. Rokade,

P. Agrawal, Advocates for respondent no.4.

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

Dated :- 15/03/2023.

COMMON JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicants in all the O.As., Shri S.A. Sainis, learned P.O. for respondent no.1 in O.A.No.726/2022, for respondent nos.1,5,6 and 7 in O.A.No.727/2022, for respondent nos.1 to 4 in O.A.No.728/2022 and for respondent nos.1 to 3,5,6 and 7 in O.A.No.729/2022, Shri T.M. Zaheer, learned counsel for respondent nos.2 to 8 in O.A.No.726/2022, for respondent nos.2,3 and 4 in O.A.No.727/2022, for respondent nos.5 to 11 in O.A.No.728/2022 and Shri S.S. Shinde, learned counsel for respondent no.4 in O.A. No.729/2022.

2. The case of the applicants in O.A. No. 726/2022 in short is as under. All the applicants are retired employees who retired on 30th June of the respective years given in the Chart below –

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department	Due date of Increment
1	2	3	4	5	6	7
1	Pundlik Dadaji Pipare (APPLICANT NO.1)	Sectional Engineer, o/o Chief Engineer, Water Resources Department, Civil Lines, Nagpur-1	20.06.1962	23.06.1982 (Technical Assistant)	30.06.2020	01.07.2020
2	Deepak Panjabrao Manikpure (APPLICANT NO.2)	Sub Divisional Officer, o/o Executive Engineer, Irrigation Project Division, Nagpur.	01.07.1963	05.12.1983 (Junior Engineer)	30.06.2021	01.07.2021
3	Anil Kesharao Kahare (APPLICANT NO.3)	Sub Divisional Engineer, o/o Executive Engineer, Lower Wardha Division, Wardha	06.06.1954	05.12.1978 (Junior Engineer)	30.06.2012	01.07.2012

4	Pralhad Deora Chaware (APPLICANT NO.4)	Sub Divisional Officer, o/o Executive Engineer, Gosikhurd Dam Division, Wah (Pawani), Taluka Pawani, District Bhandara -441 910	01.07.1962	31.03.1983 (Junior Engineer)	30.06.2020	01.07.2020
5	Kishor Rambhau Babhare (APPLICANT NO.5)	Sub Divisional Officer, o/o Executive Engineer, Bhandara Irrigation Division, Bhandara	02.06.1963	30.07.1983 (junior Engineer)	30.06.2021	01.07.2021
6	Rajesh Narayanrao Gulhane (APPLICANT NO.6)	Assistant Engineer - II /Executive Engineer Lower Wardha Project Division, Wardha	15.10.1959	22.01.1980 (Junior Engineer)	30.06.2014	01.07.2014
7	Shankar Ramaji Panwatkar (APPLICANT NO.7)	Junior Engineer, o/o Executive Engineer, Wardha Irrigation Division, Wardha	01.07.1962	31.03.1983 (Technical Assistant)	30.06.2020	01.07.2020
8	Bapuji Bhagwanji Parkhi (APPLICANT NO.8)	Junior Engineer, o/o Executive Engineer, Chandrap ur Irrigation Division, Chandrapur 442 401	01.07.1959	28.06.1982 (Technical Assistant)	30.06.2017	01.07.2017
9	Vilas Govindrao Wasekar (APPLICANT NO.9)	Sectional Engineer, o/o Executive Engineer, Chandrapur Medium Project Division No. 1, Chandrapur 442 401	01.07.1958	28.06.1982 (Technical Assistant)	30.06.2016	01.07.2016
10	Anand Pralhad Dethekar (APPLICANT NO.10)	Junior Engineer, o/o Executive Engineer, Bhandara Irrigation Division, Bhandara	01.07.1960	26.06.1982 (Technical Assistant)	30.06.2018	01.07.2018
11	Ganpat Paikan Yeole (APPLICANT NO.11)	Sectional Engineer, o/o Executive Engineer, Chandrapur Medium Project Division No. 1, Chandrapur 442 401	01.07.1963	14.06.1984 (Muster Clerk)	30.06.2021	01.07.2021

3. It is the contention of the applicants that they were entitled for the increments which fall due on 1st July of the respective years, but the respondents have not granted the increments which fall due on 1st July.

Therefore, they approached to this Tribunal for direction to the respondents to grant increments which fall due on 1st July.

4. In O.A. No.727/2022, all the applicants are retired on 30th June of the respective years as shown in the Chart given below –

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department	Due date of Increment
1	2	3	4	5	6	7
1	Sunil Kisanrao Kondawar (APPLICANT NO.1)	Executive Engineer, o/o Executive Engineer, Bembala Irrigation Division, Yaotmal Disstt. Yaotmal	02.06.1963	19.11.1983 (Junior Engineer)	30.06.2021	01.07.2021
2	Jagdish Tulshiram Shrirao (APPLICANT NO.2)	Sectional Engineer, o/o Executive Engineer, Yaotmal Project Construction Division, Yaotmal District Yavatmal	28.06.1958	21.03.1980 (Junior Engineer)	30.06.2016	01.07.2016
3	Prakash Datatraya Pampattiwar (APPLICANT NO.3)	Sectional Engineer, o/o Executive Engineer, Bembala Irrigation Division, Yaotmal Disstt. Yaotmal	21.06.1963	06.09.1982 (Technical Assistant)	30.06.2021	01.07.2021
4	Maroti Thavara Rathod (APPLICANT NO.4)	Junior Engineer, o/o Executive Engineer, Arunavati Irrigation Division, Digras - 445 203 District Yavatmal	01.07.1960	13.05.1982 (Technical Assistant)	30.06.2018	01.07.2018
5	Rajpal Chintaman Shende (APPLICANT NO.5)	Civil Engineering Assistant, o/o Executive Engineer, Bembala Irrigation Division, Yaotmal Disstt. Yaotmal	01.07.1962	06.05.1982 (Technical Assistant)	30.06.2020	01.07.2020
6	Parasharam Akaram Surwade (APPLICANT NO.6)	Sectional Engineer, o/o Executive Engineer, Lift Irrigation Division, Khamgaon - 444 303 District Buldhana	01.07.1959	19.07.1982 (Technical Assistant)	30.06.2017	01.07.2017
7	Surendra Durgaprasad Tiwari (APPLICANT NO.7)	Sub Divisional Engineer, o/o Executive Engineer, Irrigation Division, Washim - 444 505	08.06.1958	15.11.1980 (Junior Engineer)	30.06.2016	01.07.2016

8	Chandrakant Suryabhanji Nanote (APPLICANT NO.8)	Junior Engineer, o/o Executive Engineer, Minor Irrigation Division, Karanja Lad, District Wasim 444 105	01.07.1958	08.07.1982 (Technical Assistant)	30.06.2016	01.07.2016
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5. They have claimed that they are entitled for increments which fall due on 1st July of the respective years. But those increments were not granted to them. Therefore, they approached to this Tribunal.

6. In O.A. No.728/2022, all the applicants retired on 30th June shown in the Chart as below –

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department	Due date of Increment
1	2	3	4	5	6	7
1	Ramesh Bhaurao Phate (APPLICANT NO.1)	Sectional Engineer, o/o Executive Engineer, Amravati Project Construction Division, Amravati 444 602	05.06.1958	08.07.1982 (Technical Assistant)	30.06.2016	01.07.2016
2	Prashant Bhaskarrao Yeotikar (APPLICANT NO.2)	Sectional Engineer, o/o Chief Engineer, Water Resources Department, (Special Project), Amravati 444 601	26.06.1963	02.04.1983 (Technical Assistant)	30.06.2021	01.07.2021
3	Naresh Radheshyam Agrawal (APPLICANT NO.3)	Junior Engineer, o/o Executive Engineer, Irrigation Project & Water Resources Investigation Division, Amravati - 444 602	01.07.1963	23.01.1984 (Technical Assistant)	30.06.2021	01.07.2021
4	Hiralal Govindrao Iche (APPLICANT NO.4)	Sub Divisional Officer, o/o Executive Engineer, Canal Design Division, Amravati 444 603	01.07.1956	31.01.1981 (Junior Engineer)	30.06.2014	01.07.2014
5	Prakash Madhukarrao Deshmukh (APPLICANT NO.5)	Sub Divisional Officer, o/o Superintending Engineer, Vegilance Cell, Amravati Co-ordination Circle, WRD, Amravati 603	25.06.1963	30.04.1983 (Junior Engineer)	30.06.2021	01.07.2021

6	Bhupendra Hiranmanji Kusale (APPLICANT NO.6)	Sectional Engineer, o/o Executive Engineer, Amravati Project Construction Division No. 1 Amravati	01.07.1959	31.08.1983 (Junior Engineer)	30.06.2017	01.07.2017
7	Vasant Madhukarrao Bakhade (APPLICANT NO.7)	Sectional Engineer, o/o Executive Engineer, Quality Control Division, (Upper Wardha Project), Amravati - 444 603	26.06.1957	24.11.1983 (Junior Engineer)	30.06.2015	01.07.2015
8	Rajabhau Devidasji Shelotkar (APPLICANT NO.8)	Sub Divisional Officer, o/o Executive Engineer, Irrigation Project Investigation & Water Resources Division, Jail road, Amravati	07.06.1955	04.05.1977 (Junior Engineer)	30.06.2013	01.07.2013
9	Sudhakar Jayaram Khakare (APPLICANT NO.9)	Sectional Engineer, o/o Executive Engineer Upper Wardha Canal Division No. 1, Amravati	01.07.1956	07.04.1978 (Junior Engineer)	30.06.2014	01.07.2014
10	Sudhakar Motiram Fulari (APPLICANT NO.10)	Sectional Engineer, o/o Executive Engineer, Irrigation Project Investigation Division, Gorakshan road, Akola 444 001	01.07.1963	03.05.1982 (Technical Assistant)	30.06.2021	01.07.2021

7. It is the contention of the applicants that they are entitled for increments which fall due on 1st July of the respective years. Therefore, they approached to this Tribunal for direction to the respondents to grant increments which falls due on 1st July.

8. In O.A.No.729/2022, the all applicants are retired on 30th June. They are claiming that they are entitled for increments which fall due on 1st July, but that increments were not granted to them. All the applicants retired on 30th June as per the Chart given below –

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department
1	2	3	4	5	6
1	Kishor Ganpatrao Mone (APPLICANT NO.1)	Sub Divisional Engineer, o/o Executive Engineer, Public Works Division, Khamgaon - 444 303, District Buldhana	14.06.1959	22.08.1980 (Sub Overseer)	30.06.2017
2.	Shreeram Ramkrishna Phate (APPLICANT NO.2)	Sub Divisional Officer, o/o Superintending Engineer, Vigilance & Quality Control Circle,(PWD), Amravati - 444 602	13.06.1960	12.06.1981 (Junior Engineer)	30.06.2018
3	Subhash Ambadasrao Raut (APPLICANT NO.3)	Sub Divisional Engineer o/o Executive Engineer, Zilla Parishad Works Division, Amravati - 444 6 01	04.06.1954	15.02.1980 (Junior Engineer)	30.06.2012
4	Sainath Vithobaji Dhodare (APPLICANT NO.4)	Sectional Engineer, o/o Executive Engineer, Public Works Division No. 2, Chandrapur 442 401	01.07.1964	20.12.1984 (Mustering Karkoon)	30.06.2022
5	Anand Shankarrao Wanjari (APPLICANT NO.5)	Sectional Engineer/ o/o Executive Engineer, Public Works Division, Pandharkawda	01.07.1958	07.01.1980 (Junior Engineer)	30.06.2016
6	Ramesh Pralhadrao Patil (APPLICANT NO.6)	Sub Divisional Officer o/o Executive Engineer, Public Works Division, Buldhana 443 001	14.06.1959	29.12.1978 (Junior Engineer)	30.06.2017

9. They are claiming increments which fall due on 1st July of the respective years. But those increments were not granted to them. Therefore, they approached to this Tribunal for the following reliefs –

- (i) *Hold and declare that the Applicants are entitled for last increment due on 1st July of their respective years of retirement, upon completion of one full year service on 30th June;*
- (ii) *Direct the Respondents to release an annual increment due on 1st July on their respective date of retirement, as shown in Column No. (7) of statement under para 6.1 of O.A., 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 applicants after calculating the annual increment due on 1st July of concerned year of their retirement and further direct the Respondents to grant arrears of monetary benefits along with interest thereon;*

10. All the O.As. are strongly opposed by the respondents. It is submitted that all the applicants are retired on 30th June and therefore, they are not entitled for any increment which falls due on 1st July of the respective years. Hence, the O.As are liable to be dismissed.

11. Heard Shri R.M. Fating, learned counsel for the applicants. He has pointed out the Judgment of the Hon'ble Madras High Court in Writ Petition No.15732 of 2017 in Case of *P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others* and also pointed out the Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.1881/2023 with connected Writ Petitions in which the Hon'ble Bombay High Court has relied on the Judgment of Division Bench of the Hon'ble Madras High Court in Writ Petition No.15732 of 2017 in Case of *P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others*, and recorded its findings that employee who retired on 30th June is entitled for increment which falls due on 1st July. The Judgment of Division Bench of the Hon'ble Madras High Court in Writ Petition No.15732 of 2017 in Case of *P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal and others* was challenged before the Hon'ble Supreme Court in SLP. The SLP was dismissed by the Hon'ble Supreme Court.

12. As per the submission of learned counsel for respondent no.4 Shri S.S. Shinde (in O.A.729/2022), the Judgment of Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.5864/2019 is stayed by the Hon'ble Supreme Court and therefore increments cannot be granted to the applicants which falls due on 1st July.

13. The learned counsel for the applicants Shri R.M. Fating has pointed out the Judgment passed by M.A.T., Bench at Aurangabad in O.A.No.500/2022 with connected matters on 23/11/2022. The M.A.T., Bench at Aurangabad has passed the following order –

“(i) All these Original Applications stand allowed.

(ii) Subject to the outcome of SLP (Civil) No.4722/2021 pending before the Hon'ble Supreme Court, the applicants are held entitled for increment due on 1st July of the concerned year of their retirement. It shall be reckoned for the purpose of pension and gratuity and other retiral benefits subject to rider that the applicants would be entitled to arrears of monetary benefits for the period of three years only preceding the date of filing Original Applications.

(iii) By obtaining the necessary undertaking from the applicants for refund of the amount, which may be paid to them in view of the present order in case the Hon'ble Supreme Court in the aforesaid matters rules that no such increment was payable, the respondents are directed to make payment of arrears accordingly within three months from today and also to ensure that revised pension is paid accordingly.

(iv) No order as to costs. ”

14. After hearing both the sides, the following order is passed –

ORDER

(i) All these Original Applications stand allowed.

(ii) Subject to the outcome of SLP (Civil) No.4722/2021 pending before the Hon'ble Supreme Court, the applicants are held entitled for increment due on 1st July of the concerned year of their retirement. It shall be reckoned for the purpose of pension and gratuity and other retiral benefits subject to rider that the applicants would be entitled to arrears of monetary benefits for the period of three years only preceding the date of filing Original Applications.

(iii) By obtaining the necessary undertaking from the applicants for refund of the amount, which may be paid to them in view of the present order in case the Hon'ble Supreme Court in the aforesaid matters rules that no such increment was payable, the respondents are directed to make payment of arrears accordingly within three months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 15/03/2023.

(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 : 15/03/2023.*