

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 1118/2022,
1119/2022, 1120/2022, 1121/2022, 1122/2022,
1123/2022, 1124/2022, 1125/2022, 1126/2022,
1127/2022 & 1128/2022**

**DISTRICTS:- AURANGABAD, LATUR,
PARBHANI, HINGOLI,**

(1) O.A.NO.1118/2022

Sudhir Narayan Deulgaonkar,
Age: 61 years, Occu. : Retired,
R/o. B-5-12, Tapadiya Nagar,
Kasliwal Classik, Near Varad Hospital,
Kasliwal Classic, Aurangabad,
Tq. & Dist. Aurangabad.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest,
Aurangabad Division, Station Road,
Osmanpura, Aurangabad-431005. **...RESPONDENTS**

(2) O.A.NO.1119/2022

Balaji Namdeorao Paikwar,
Age: 63 years, Occu. : Retired,
R/o. Old Pedgaon Road, Sujata Nagar,
Parbhani, Tq. & Dist. Parbhani.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Divisional Forest Officer,
Social Forest Department,
Shivaji Nagar, Parbhani-431401. **...RESPONDENTS**

(3) O.A.NO.1120/2022

Sudhakar Balkrushna Kamlakar,
Age: 67 years, Occu. : Retired,
R/o. N-11, G-10/2, Navjiwan Colony,
Hudco, Aurangabad,
Tq. & Dist. Aurangabad.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Divisional Forest Officer,
Social Forest Department, Station Road,
Osmanpura, Aurangabad. **...RESPONDENTS**

(4) O.A.NO.1121/2022

Raghunath Nana Ghuge,
Age: 65 years, Occu. : Retired,
R/o. Near Shani Mandir, N-11,
K-39/10/11, Navjivan Colony,
Hudco, Aurangabad,
Tq. & Dist. Aurangabad.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest,
Aurangabad Division, Station Road,
Osmanpura, Aurangabad-431005. **...RESPONDENTS**

(5) O.A.NO.1122/2022

Pandit Bajirao Pole,
Age: 62 years, Occu. : Retired,
R/o. House No.298, Ganga Nagar,
Khatkali Baypass, Hingoli,
Tq. & Dist. Hingoli.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Divisional Forest Officer,
Hingoli, Near Railway Gate, Khatkali,
Kalamnuri Road, Hingoli. **...RESPONDENTS**

(6) O.A.NO.1123/2022

Ramling Vitthalrao Awantkar,
Age: 62 years, Occu. : Retired,
R/o. E-708, Venktesh Grafitti,
Mundhwa-Manjari,
Keshav Nagar, Pune.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest,
Forest Division, Station Road,
Osmanpura, Aurangabad-431005. **...RESPONDENTS**

(7) O.A.NO.1124/2022

Subhash Pundlikrao Jaikar,
Age: 62 years, Occu. : Retired,
R/o. House No.15, Kamal, Dnyaneshwar Nagar,
Garkheda Parisar, Aurangabad,
Tq. & Dist. Aurangabad.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Divisional Forest Officer (Wild Life),
Station Road, Aurangabad-431005. **...RESPONDENTS**

(8) O.A.NO.1125/2022

Ramesh Kashinathrao Joshi,
Age: 68 years, Occu. : Retired,
R/o. 983, Renuka Niwas, Jintur Road,
Trimurti Nagar, Parbhani.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Divisional Forest Officer,
Near District Industrial Centre,
Karegaon Road, Parbhani-431401. **...RESPONDENTS**

(9) O.A.NO.1126/2022

Ashok Kisanrao Pund,
Age: 61 years, Occu. : Retired,
R/o. Old Pedgaon Road,
Surya Gruhanirman Society,
Sadguru Nagar, Parbhani,
Tq. & Dist. Parbhani.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest,
Aurangabad Division, Station Road,
Osmanpura, Aurangabad-431005. **...RESPONDENTS**

(10) O.A.NO.1127/2022

Arun Pandurang Gaikwad,
Age: 62 years, Occu. : Retired,
R/o. Pandurang Niwas,
Subhedar Ramji Nagar, LIC Colony No.2,
Latur-413512.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest (T),
Nanded Forest Division,
Behind Gandhi Statue, Chikhalwadi Corner,
Nanded-431601. **...RESPONDENTS**

(11) O.A.NO.1128/2022

Vitthal Gajanan Jadhav,
Age: 60 years, Occu. : Retired,
R/o. New Vanshri Housing Society,
Satara Parisar, Aurangabad. **...APPLICANT**

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Forest Department,
Mantralaya, Mumbai.

2) The Secretary,
Finance Department,
Mantralaya, Mumbai.

3) The Deputy Conservator of Forest,
Aurangabad Division, Station Road,
Osmanpura, Aurangabad-431005. **...RESPONDENTS**

APPEARANCE :Shri A.M.Hajare, Counsel for
Applicants in all these cases.

:S/Shri N.U.Yadav, V.R.Bhumkar,
M.P.Gude, D.R.Patil, B.S.Deokar,
I.S.Thorat and Smt. M.S.Patni,
Presenting Officers for the
respondents in respective cases.

**CORAM : HON'BLE SHRI JUSTICE P.R.BORA,
VICE CHAIRMAN**

Decided on : 01-03-2023

COMMON ORAL ORDER :

1. Heard Shri A.M.Hajare, learned Counsel for applicants in all these cases, S/Shri N.U.Yadav, V.R.Bhumkar, M.P.Gude, D.R.Patil, B.S.Deokar, I.S.Thorat and Smt. M.S.Patni, Presenting Officers for the respondents in respective cases.

2. Since applicants in all these O.As. have prayed for identical relief of grant of annual increment which was due on 1st July of the respective year of their superannuation, I have heard all these O.As. together and deem it appropriate to decide the same by common reasons.

3. Learned Counsel for the applicants at the beginning of his arguments submitted the information as about the date of retirement of the applicants in the present applications in tabular format. Same is taken on record. Tabular format showing date of retirement of each applicant is as follows:

SR. NO.	O.A. NO.	NAME OF PARTY	DATE OF RETIREMENT
1	1118/2022	Sudhir N Deulgaonkar	30.06.2017
2	1119/2022	Balaji N Paikrao	30.06.2015

3	1120/2022	Sudhakar Kamlakar	30.06.2011
4	1121/2022	Raghunath Ghuge	30.06.2014
5	1122/2022	Pandit B Pole	30.06.2016
6	1123/2022	Ramling Awantkar	30.06.2016
7	1124/2022	Subhash Jaikar	30.06.2015
8	1125/2022	Ramesh Joshi	30.06.2010
9	1126/2022	Ashok Pund	30.06.2017
10	1127/2022	Arun Gaikwad	30.06.2016
11	1128/2022	Vitthal Jadhav	30.06.2018

4. Learned Counsel submitted that since all these applicants retired on attaining the age of superannuation on 30th June of their respective year of retirement, they were entitled for the increment which was due on 1st July of the said year of their retirement. Learned Counsel has relied upon the judgment of the Hon'ble Bombay High Court, Bench at Aurangabad passed on 12.10.2022 in the case of **Shri Ramesh Eknath Suryawanshi and Others Vs. the State of Maharashtra through its Chief Secretary and Others, WP No. 10272/2022**, which read thus :-

"3. The issue raised is no longer res integra, having been concluded by the learned Division Bench of the Madras High Court, vide judgment dated 15.09.2017, in WP No.15732/2017, filed by P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others, which judgment has been sustained by the Hon'ble Supreme Court, vide order dated 23.07.2018, in Special Leave Petition (Civil) Diary No.22283/2018. Even this Court has passed

several orders granting such benefits, which have been sustained by the Hon'ble Supreme Court.

4. In view of the above, this petition is partly allowed. The petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity, earned leave, commutation benefits etc. In so far as arrears of the benefits are concerned, the petitioners would be entitled for the same for a period of three years, preceding the date of filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners, on or before 30.12.2022 .”

5. Respondents have not filed their affidavit in reply. The learned Presenting Officers fairly conceded that the judgments relied upon by the learned Counsel for the applicants are supporting the contentions raised and prayers made by the applicants in their respective O.As. The learned P.Os., however, submitted that the appropriate orders may be passed subject to verification of the date of retirement of the concerned employee and whether the concerned employee retired on attaining the age of superannuation or whether there was any enquiry pending against any of them or any order of recovery was passed against any of them.

6. Learned P.O. further submitted that in one matter i.e. Petition(s) for Special Leave to Appeal (C) No(s).4722/2021 the Hon'ble Apex Court has granted stay

by order dated 05-04-2021 and the said matter is still pending before the Hon'ble Apex Court. Learned P.Os. in the circumstances prayed for passing appropriate orders.

7. As is pleaded in the O.As. all the applicants have retired on 30th June of their respective year of retirement. In view of the judgment of the Division Bench of the Hon'ble Bombay High Court these applicants are therefore entitled for the increment which was due on 1st July, of respective year of their retirement. Based on the said judgment, this Tribunal has decided several number of matters. Learned Counsel has tendered copy of one of such order passed in O.A.No.167/2020 with 168/2020, decided on 22-11-2022. In the aforesaid circumstances, I see no difficulty in allowing these O.As. Hence, the following order:

ORDER

- (i) The O.As. are allowed.
- (ii) Subject to verification by the respondents of the particulars as are mentioned in paragraph 5 of the order and subject to the decision by the Hon'ble Apex Court in SLP No.4722/2021, the applicants are held entitled for increment due on 1st of July of their respective year of

retirement. It shall be reckoned with 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) 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.

VICE CHAIRMAN

Place : Aurangabad
Date : 01.03.2023.