

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 153/2016

Shri Ramesh Pandharinath Randive,
Aged about 43 years,
Occ. Mathematics Instructor,
Industrial Training Institute, Allapalli,
Dist. Gadchiroli
Resident of Allapalli, Dist. Gadchiroli.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Higher and Technical Education,
Mantralaya, Mumbai-32.
- 2) The Director,
Vocational Education & Training,
3, Mahanagar Palikar Marg,
Post Box No.10036, Mumbai-1.
- 3) The Joint Director,
Vocational Education and Training,
Regional Office, Civil Lines, Nagpur.
- 4) The Principal,
Industrial Training Institute,
Allapalli, Dist. Gadchiroli.
- 5) The Principal,
Industrial Training Institute,
Chandrapur.

Respondents.

Shri Vishal Anand, Advocate for the applicant.

Shri H.K. Pande, P.O. for the respondents.

Coram :- Hon'ble Shri J.D. Kulkarni, Vice-Chairman (J).

Dated :- 30/03/2017

ORDER -

Heard Shri Vishal Anand, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The applicant was appointed as a Mathematics Instructor by the respondent no.3 vide order dated 8th June,1999 and has joined his services at Industrial Training Institute, Allapalli, Dist. Gadchiroli. Vide order dated 19th June,2009 the applicant was transferred to the Industrial Training Institute, Chandrapur which is a Tribal/ Naxal affected area. As per G.R. dated 06-08-2002 issued by the Government of Maharashtra the employees serving in Tribal / Naxal Affected area should have been given the pay scale of the next promotional post. The respondents were therefore obliged to give regular increment of pay scale to the applicant from the said promotional post, w.e.f. 1-7-2009 as the applicant's date of increment was 1st July of every month. However, the respondents have not been given that pay scale to the applicant w.e.f.1-7-2009. The applicant made a representation for getting increment from 1-7-2009. However vide communication dated 24-06-2015 his claim was rejected and therefore the applicant has filed this O.A. The applicant is claiming that the communication dated 24th June,2015 (A-7,P-28) issued by respondent no.3 be quashed and set aside and the respondents be directed to grant regular increment to the applicant w.e.f. 1-7-2009

and thereafter to grant pay scale of next promotional post and pay arrears of salary and all the consequential benefits to the applicant.

3. The respondents admitted the fact that the applicant was transferred in naxalite affected area and was entitled to next promotional pay scale as per G.R. dated 31-8-2009. It is stated that the applicant has been paid such increment as per the said G.R. and the fixation has been done properly. It is stated that the applicant has not opted for any option for regular pay fixation and the pay has been fixed as per the G.R.

4. The learned counsel for the applicant submits that initial date of increment of the applicant is 1st of July of every year. He further submits that since the applicant has joined his post on transferred at Chandrapur on 19th June,2009, the applicant was entitled to next promotional pay scale as per the G.Rs. dated 6-8-2002 and because his date of increment is 1st July of every year, the next increment should have been granted on 1st July,2009. From this, it seems that the applicant wants higher pay scale on 19-6-2009 and next increment on 1st July,2009. Such a demand cannot be accepted. An employee is entitled to get increment after completion of one year of service in particular Grade Pay and not prior to that.

5. Perusal of the G.R. and record shows that the applicant was given benefit of next higher pay scale in view of the G.R. dated

6-8-2002 from the date on which he joined in the naxalite affected area. Admittedly, the applicant joined on 19-6-2009 and therefore from 19-6-2009 his pay scale was fixed in the next higher pay scale. In this regard the G.R. dated 31-8-2009 is specific and particularly para-3 of the said G.R. reads as under :-

^3- ojhyiæk.ks ; kst upk ykHk feGkyY ; k 'kkI dh; deþk&; kl ; kst uþ; k ykHkP; k fnukadki kl w vFkok R; kP; k i qhy oruok<P; k fnukadki kl w oru fuf'prh dj. ; kpk fodYi nrk ; bÿ- v'kk i dj.kh] oru fuf'prh o i qhy oruok< [kkyhyiæk.ksvuKs dj. ; kr ; koh- v- i qhy oruok<P; k fnukadki kl w oru fuf'prh dj. ; kpk fodYi fnyY ; k 'kkI dh; deþk&; kP; k ckrhr ; kst uþ; k ykHkP; k fnukadki R; kP; k oru cM e/; scny gskkj ukgh- ek=] R; kl ; FkflFkrh ojhy ¼1½ vFkok ¼2½ iæk.ks vuKs xM oru eatj dj. ; kr ; kos R; kaurj i qhy oruok<P; k fnukadki R; kph i qoruf'prh dj. ; kr ; koh- R; k fno'kh R; kl i Fke ok'kd oruok< vkf.k nq jh inkburhph oruok< v'kk nku oruok<h ns ; kr ; k0; kr- ; k oruok<h ifjxf.kr djrkauk ; kst uþ; k ykHki whZ feGr vl yyseG oru ¼oru cM e/khy oru \$ xM oru ¼ fopkjkr ?ks ; kr ; kos c- ; kst uþ; k ykHkP; k fnukadki kl w oru fuf'prh dj. ; kpk fodYi fnyY ; k vFkok rI s I et. ; kr vkyY ; k 'kkI dh; deþk&; kP; k ckrhr] R; kyk 2 tnySrs 1 tkuokjh ; k dkyko/khr ; kst upk ykHk feGkyk vl Y; kl R; kl i qhy oruok< i qhy 1 tnySjstn ns ; kr ; koh- i jany R; kyk I a/k o'kkP; k 2 tkuokjh rs30 tu njE; ku ; kst upk ykHk feGkyk vl Y; kl R; kl i qhy o'kkP; k 1 tnySjstn oruok< feGy- fnukad 1-1-2006 i whZ I okaxZ vk'okfl r ixrh ; kst upk ykHk vuKs dj. ; kr vkyk vl sy R; kauk ; k vkn'skrhy i fjPNn 2 ¼1½ e/khy i wkZ xM orukph rjrm ykxw jkghy- **

6. Had it been a fact that the applicant wants to get increment on 1st July of every year, he should have given option as required in para-3 of the said G.R. In any case the applicant cannot claim higher pay scale as well as next increment in the said pay scale

just within a span of one month. In the impugned communication the respondents have rightly communicated to the applicant that he is not entitled to claim next increment immediately after one month and I do not find any illegality in the said communication. I therefore do not find any merit in the O.A. Hence, the following order:-

ORDER

- (i) The O.A. stands dismissed with no order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

dnk.