

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.1044/2022

DISTRICT:- BEED

Vilas s/o Kisanrao Shinde,
Age : 62 years, Occ : Retired Govt. Officer,
R/o. H.No.1-5-99, 'Pratibha Niwas',
Shivneri Colony, Nagar Road,
Beed, Dist. Beed.

...APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai-32.
- 2) The Secretary,
Animal Husbandry Department,
Mantralaya, Mumbai.
- 3) The District Animal Husbandry Officer,
Animal Husbandry Department,
Zilla Parishad, Beed,
Dist. Beed.

...RESPONDENTS

APPEARANCE :Shri P.R.Tandale, Counsel for
Applicant.

:Shri S.K.Shirse, Presenting Officer for
respondent authorities.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN

Decided on : 21-09-2023.

O R A L O R D E R :

1. Heard Shri P.R.Tandale, learned Counsel for
the applicant and Shri S.K.Shirse, learned Presenting
Officer for respondent authorities.

2. Applicant in the present case is seeking increment which fell due on 01-07-2017 i.e. one day after the date of his retirement i.e. 30-06-2017.

3. Learned Counsel submits that the case of the applicant is squarely covered by the judgment of the Hon'ble Supreme Court delivered in **Civil Appeal No.2471/2023** decided on 11-04-2023 in the case of **Director (Admn. And HR) KPTCL and Others Vs. C.P.Mundinamani and Others** reported in [(2023) SCC Online SC 401].

4. Learned Counsel further pointed out that on 28-06-2023 a G.R. has been issued by the Government thereby making the increment falling due on 1st of July applicable to all its retired employees who have retired on 30th June of the respective year of their retirement. Present applicant is undisputedly retired on 30-06-2017 on attaining the age of superannuation. In the circumstances, though in the present matter the affidavit in reply has not yet been filed by the respondents, I see no impediment in allowing the present O.A. Hence, the following order:

ORDER

- (i) The O.A. is allowed.
- (ii) Applicants is held entitled for increment due on 1st of July 2017. 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 the O.A.
- (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 : 21.09.2023.