

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.722/2022**

**DISTRICT:- AURANGABAD**

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Devidas s/o Marotirao Kandhare,  
Age : 65 years, Occ : Pensioner,  
R/o. Plot No.F-47/8, N-7, Ayodhya Nagar,  
Cidco, Aurangabad. **...APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through its Secretary,  
Finance Department,  
Mantralaya, Mumbai-32.
- 2) The Executive Director,  
Godavari Marathwada Irrigation Development  
Corporation, Sinchan Bhawan, Jalna Road,  
Aurangabad.
- 3) The Executive Engineer,  
Godavari Marathwada Irrigation Development  
Corporation, Sinchan Bhawan, Jalna Road,  
Aurangabad. **...RESPONDENTS**

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

:Shri S.K.Shirse, Presenting Officer for  
respondent no.1.

:Shri G.N.Patil, Counsel for  
respondent nos.2 and 3.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN**

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**Decided on : 21-09-2023.**

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**O R A L O R D E R :**

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

respondent no.1 and Shri G.N.Patil, learned Counsel for respondent nos.2 and 3.

2. In the present matter it is the case of the applicant that since he retired on 31-05-2013 on attaining the age of superannuation, he is entitled to receive the annual increments which fell due on 01-07-2013. Learned Counsel has relied upon Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 ("Rules of 2009" for short). It is the contention of the learned Counsel that as provided in the said Rule, every employee completing services of 6 months and above will be entitled for annual increment on 1<sup>st</sup> July of the respective year. Learned Counsel submitted that since the applicant in the present matter retired on 31-05-2013, he had worked for 11 months in the year of his retirement and as such was entitled to be granted the increment which fell due on 01-07-2013.

3. Learned Counsel for the applicant has relied upon 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]** and submitted that the case of the applicant is covered by this judgment.

4. Learned Counsel for the applicant strenuously urged that the person who has continuously worked for 11 months cannot be deprived from the annual increment which fell due on 1<sup>st</sup> of July of his year of retirement. Learned Counsel submitted that annual increment is being granted for satisfactory services rendered by the Government employee in the immediate preceding year. Learned Counsel submitted that the annual increment, thus has nexus with the satisfactory performance by the employee in the preceding year. Learned Counsel submitted that when the applicant has rendered satisfactory services for more than 6 months, more precisely, for 11 months in the preceding year of retirement, must be held entitled for the annual increment which fell due on 01-07-2013. Learned Counsel in the circumstances has prayed for allowing the O.A.

5. Shri S.K.Shirse, learned P.O. appearing for the respondent no.1 State submitted that contentions so raised by the learned Counsel appearing for the applicant is misconceived and have been made because of improper

and incorrect interpretation of the Rule 10 of the Rules of 2009. Learned P.O. read out Rule 10 of the said Rules of 2009 on which the applicant has placed reliance. Learned P.O. submitted that even plain reading of the aforesaid rule would suggest that the said provision was in respect of the employees who had been given increments on different dates than 1<sup>st</sup> July and since the Government had resolved to bring uniformity in the date of granting annual increments, 1<sup>st</sup> of July was the date fixed by the Government for the same. In view of that, provision was made that the Government employees at the relevant time, more particularly, in the year 2006, who had worked for more than 6 months prior to 01-07-2007 would be given increment on 1<sup>st</sup> of July of the said year and thereafter annual increment will continue to be awarded on 1<sup>st</sup> of July of every next year. Learned P.O. submitted that case of the applicant is not covered under the said provision. He has, therefore, prayed for rejecting the O.A.

6. Shri G.N.Patil, learned Counsel appearing for respondent nos.2 and 3 submitted that Rule 10 and provision made thereunder was one time measure adopted by the Government to bring uniformity in the date of

increment and as such the said provision was made. The learned Counsel submitted that the beneficiaries of the said Rule are the only persons who had completed the period of their service for more than 6 months in the period between January, 2006 to June, 2006 and they were given benefit under the said provision. Learned Counsel submitted that it cannot be interpreted to mean that every employee who has rendered the services for more than 6 months will be entitled for the increment falling due on 1<sup>st</sup> of July of that particular year. He has, therefore, prayed for rejecting the O.A.

7. I have duly considered the submissions made on behalf of the applicant as well as the respondents. I have perused the documents produced on record. Entire controversy revolves around Rule 10 of the Rules of 2009, which reads thus:

*“Rule 10 of Maharashtra Civil Services (Revised Pay) Rules, 2009, reads as under:*

*“There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the revised pay structure as on the 1st day of July will be eligible to be granted the increment. The first increment after fixation of pay on the 1st day of January 2006 in the revised pay structure will be granted on the 1st day of July 2006. Accordingly, all Government servants who*

*earned their last increment between the 2nd day of January 2005 and the 1st day of January 2006 would get their next increment on the 1st day of July 2006.*

*Provided that, in the case of Government servants whose date of increment falls on the 1st day of January 2006, the increment will be drawn in the pre-revised scale and pay fixed in accordance with these rules after including this increment. The next increment in the revised pay structure in such cases will be drawn on the 1st day of July, 2006.....”*

8. After having carefully gone through the aforesaid Rule, it is difficult to agree with the submission made by the learned Counsel appearing for the applicant. On the contrary, contentions which are raised by the learned P.O. and the learned Counsel appearing for respondent nos.2 and 3 appear to be sustainable. It appears that after the recommendations of the 6<sup>th</sup> Pay Commission were accepted, Government decided to fix one date of increment uniformly for all the Government employees and the said date was decided as 1<sup>st</sup> of July of the year. Since the decision was taken to implement the recommendations of the 6<sup>th</sup> Pay Commission from the year 2006, one time provision was made so that no prejudice would be caused to the Government employees who are having different dates for their increment prior to coming into effect the provisions of Rules of 2009. As such, the

provision as aforesaid was incorporated providing that the Government employee who had worked for a period of more than 6 months during the period between 01-01-2006 to 30-06-2006 would also be entitled for the annual increment which fell due on 01-07-2006.

9. So far as the judgment of the Hon'ble Supreme Court in case of **Director (Admn. And HR) KPTCL and Others**, *cited supra*, relied upon by the applicant is concerned, there is no dispute about the ratio laid down in the said judgment. However, the facts and circumstances in the said case are quite different and therefore the said judgment is not applicable in the present case.

10. Considering the facts and circumstances stated above, it is quite evident that the case of the applicant may not fall within the purview Rule 10 of Rules of 2009. O.A., therefore, deserves to be dismissed and is accordingly dismissed, however, without any order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 21.09.2023.**