

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 811/ 2022 (S.B.)**

1. Dnyaneshwar Ramchandra Fokmare,  
Aged 70 years, Occ. Retired Govt. Servant,  
R/o 2, Vitthal Rukmai Nagar,  
Mankapur, Nagpur-13.
2. Ramsevak Ramlakhan Pande,  
Aged 70 years, Occ. Retired Govt. Servant,  
R/o 2, Vitthal Rukmai Nagar,  
Mankapur, Nagpur-13.
3. Birendraprasad Hariprasad Upadhyay,  
Aged 70 years, Occ. Retired Govt. Servant,  
R/o 44, Karuna Nagar, Near NIT Garden,  
Shanti Nagar, Nagpur.

**Applicants.**

----VERSES----

1. State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-32.
2. Director General of Police M. S.,  
Old Council Hall Maharashtra,  
SB Marg, Colaba, Mumbai-1.
3. Commissioner of Police, Nagpur City,  
Civil Lines, Nagpur.

**Respondents**

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**Shri R.V.Shiralkar, Id. Advocate for the applicant.**

**Shri A.M.Ghogre, Id. P.O. for the Respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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## **JUDGEMENT**

**Judgment is reserved on 02<sup>nd</sup> Aug., 2023.**

**Judgment is pronounced on 04<sup>th</sup> Aug., 2023.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Ghogle, ld. P.O. for the Respondents.

2. The applicants retired on superannuation on 30.06.2010 as Assistant Sub Inspector. It is their case that though entitled, they were deprived of annual increment notionally falling due on 01.07.2010. Hence, this O.A. to release the same, and grant consequential benefits.

3. Though respondent no. 3 has resisted the O.A. on various grounds, the point is no longer *res integra* in view of judgment of the **Hon'ble Supreme Court in Civil Appeal No. 2471 of 2023 in The Director (Admn. & HR) KPTCL & Ors. Vs. C.P.Mundinamani & Ors.** wherein it is held:-

*"In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench*

*of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed.”*

4. In view of this factual and legal position the **O.A. is allowed.** The applicants are held entitled to increment notionally falling due on 01.07.2010, and consequential benefits. The same shall be extended to them.
5. No order as to costs.

**(Shri M.A.Lovekar)**  
**Member (J)**

**Dated :- 04/08/2023.**  
**Aps**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 04/08/2023.  
and pronounced on

Uploaded on : 07/08/2023.