

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 968/2020 (S.B.)

1. Dr. Anil Vishnupany Kadu,
Occu: Retired, R/o. Pawar Colony,
Nr. Akola Naka, Akot, Distt- Akola.
2. Dr. Dnyaneshwar Deoraj Ghatol,
Occu: Retired, R/o Shri Jai Amba Apt. No.6,
Kathora Road, Amravati.
3. Dr. Pundlik Lakhuji Bhople,
Occu: Retired, R/o Puspgandha Colony,
Kathora Road, Amravati.
4. Dr. Rajedra Sahebrao Rekhe,
Occu: Retired, R/o Ajinkya Colony,
VMV Road, Amravati.
5. Dr. Ajit Radheshyam Sharma,
Occu: Retired, R/o. 55,
Balpande Layout, Santaji Society,
Narendra Nagar, Nagpur.

Applicants.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Animal Husbandry,
Dairy Department & Fisheries,
Mantralaya, Mumbai.
2. Regional Joint Commissioner of Animal Husbandry,
Amravati, Office Near Tahsil Office,
Amravati.
3. Regional Joint Commissioner of Animal Husbandry,
Nagpur, Office Near High Court,
Nagpur.

Respondents

Smt. Saboo, Id. Advocate for the applicant.

Shri M.I.Khan, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 31.07.2023.

JUDGMENT

Heard Smt. Saboo, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. Ld. P.O. has filed reply on behalf of the respondents 1 to 3. It is taken on record. Copy is served to the other side.

3. The applicants 1 to 3 are retired on 30.06.2020. Applicants 4 & 5 are retired on 30.06.2019. They were working in the office of Assistant Commissioner, Animal Husbandry. Their designation, last annual increment paid and date of retirement are given below in chart:-

Sr. No.	Name of applicant	Designation at the time of retirement	Last annual increment paid	Date of Retirement
1.	Dr.Anil Vishnupany Kadu	Asst. Commissioner, Animal Husbandry, Tq. Mini Polyclinic, Karanja.	01.07.19	30.06.20
2.	Dr.Dnyaneshwar Deoraj Ghatol	Asst. Commissioner, Animal Husbandry, Anjagangaon Surji.	01.07.19	30.06.20
3.	Dr.Pundlik Lakhuji Bhople	LDO, Veterinary Polyclinic, Amravati	01.07.19	30.06.20
4.	Dr.Rajendra Sahebrao Rekhe	Asst. Commissioner, Animal Husbandry, Anjagangaon Surji.	01.07.18	30.06.19

5.	Dr.Ajit Sharma	Radheshyam	Asst. Commissioner, Animal Husbandry, Selu.	01.07.18	30.06.19
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4. As per the submission of the Id. Counsel for the applicants they were not granted increment which falls due on 01st, July of the respective years. Therefore, they approached to this Tribunal for direction to the respondents to grant one increment which falls due on 01st July of the respective year.

5. Reply is filed by the respondents. It is submitted that all the applicants are retired in the month of June, and, therefore, they are not entitled for the increments which fall due on 01st July of the respective year. Hence, O.A. is liable to be rejected.

6. During the course of submission, Id. Counsel for the applicant has pointed out judgment of this Tribunal in O.A. No. 776/2022 and recent Judgment of **Hon'ble Supreme Court in the case of The Director (Admn. & HR) KPTCL & Ors. Vs. C.P.Mundinamani & Ors. decided on 11.04.2023 in Civil Appeal No. 2471/2023 (SLP No. 6185/2020).**

7. The very first judgment delivered on this point is by the **Division Bench of Hon'ble High Court, Madras in the case of P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal & Ors.** The Hon'ble High Court has held that the employees who retired

on 30th June are entitled for annual increment which falls due on 01st July of the respective year. Hon'ble Supreme Court has held that employee, who retires on 30th June is entitled for increment which falls due on 01st July.

8. In view of the Judgment passed by the Hon'ble Apex Court and Hon'ble High Court, the employee who retired on 30th June are entitled for increment which falls due on 01st July.

9. All the applicants are retired on 30th June of the respective years, therefore, they are entitled for grant of increment which falls due on 01st July. During the course of submission Id. P.O. has submitted that Finance Department, Government of Maharashtra has also G.R. dated 28.06.2023 to grant increment which falls due on 01st July. Hence, the following order:-

O R D E R

A. The O.A. is allowed.

B. Respondents are directed to pay one increment which falls due on 01st July of the respective year as shown in the chart and pay the monetary benefits by calculating the same **within a period of three months from the date of receipt of this order.**

C. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 31/07/2023.
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 Vice Chairman.

Judgment signed on : 31/07/2023.
and pronounced on

Uploaded on : 01/08/2023.