

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 1070/2022(S.B.)

Gulab s/o Janardhan Dukare,
Aged about 69 years, Occupation : retired,
Resident of Muhaweli Garden Road,
Plot No.38, Wasekar Layout Omkar Nagar,
Near Ajanth Apartment,
Chandrapur 442401.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
2. The Chief Conservator of Forest,
Chandrapur Region, Chandrapur.
3. The Deputy Chief Conservator of Forest,
Social Forestry Department, Chandrapur.

Respondents

Shri B.Kulkarni, Ld. counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 19th April, 2023.

JUDGMENT

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents.

2. Learned counsel for the applicant submits that now the issue is decided by the Hon'ble Supreme Court in the case of **The Director (Admn. And HR) KPTCL & Ors. Vs. C.P.Mundinamani & Ors. S.L.P. No.6185/2020, in Civil Appeal No.2431 of 2022 decided on 11.04.2023.** In view of the Judgment of Hon'ble Supreme Court, the applicant is entitled for annual increment which falls due on 1st July. Therefore, filing of reply is not necessary. With the consent of both parties the O.A. is admitted and heard finally.

3. Case of the applicant in short is as under-

The applicant was working as Head Accountant. He retired on 30.06.2011. The respondents have not paid the increment which falls due on 1st July 2011. Therefore, the applicant approached to this Tribunal.

4. Learned counsel for the applicant has pointed out the Judgment of this Tribunal in O.A.No.183/2023 and O.A.No.976/2019. The Hon'ble Supreme Court has now decided the issue in respect of grant of increment which falls due on 1st July. In para 7 the Hon'ble Supreme Court has held as under-

7. 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. However, in the facts and circumstances of the case, there shall be no order as to costs.

5. In view of the judgment of Hon'ble Supreme Court the applicant is entitled for Annual Increment which falls due on 1st July. Hence, the following order.

ORDER

1) The O.A. is allowed.

- 2) The respondents are directed to grant annual increment to the applicant which fall due on 1st July, 2011, with all consequential benefits within a period of three months from the date of receipt of this order.
- 3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 19/04/2023
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman .
Judgment signed on : 19/04/2023.