

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 1191/2022(S.B.)

Sudhakar s/o Kisan Raut,
aged about 68 years,
Occupation : retired.
Resident of M/A 50/501,
Vidarbha Housing Society, Bajariya.
Yavatmal, District Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-400 032.

- 2) The District Collector,
Yavatmal.

Respondents

Shri Bharat Kulkarni & Shri Sunil Pande, Ld. counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

Dated: - 15th February 2023.

JUDGMENT

Judgment is reserved on 8th February 2023.

Judgment is pronounced on 15th February, 2023.

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents – finally, by consent.

2. Case of the applicant in short is as follows.

The applicant retired from the post of Awal Karkoon on superannuation on 30.06.2012. His pension and retiral benefits were calculated and paid without considering policy decision of releasing annual increment notionally falling due on 01.07.2012. Hence, this O.A. for the following relief-

A] Direct the respondents to release the annual increment to the applicant due and payable as on 01.07.2012 and further to revise the pension and pay the arrears of pension and other retiral benefits with interest, in the interest of justice.

3. The present issue is now settled. In Writ Petition No.1443/2022 the Hon'ble Bombay High Court has, by judgment dated 14.07.2022, held as under-

“The challenge raised in the Writ Petition is to the common order dated 28/09/2020 in Original Application Nos.976/2019, 977/2019 and 1054/2019. By that order the Tribunal has held the respondents herein entitled to receive annual increment notwithstanding the fact that the said

respondent retired on 30th June of the year in which he superannuated.

*We find this issue has been considered and decided in **Pandhurang Vithobaji Dhumne Ors. Vs. State of Maharashtra, through its Secretary and Ors. (2022) 2 Bom CR 644**". Since the judgment of the Tribunal is in accordance with what has been held in the aforesaid judgment, we do not find any reason to interfere in Writ Petition. It is accordingly dismissed. No costs."*

Hence, the order.

ORDER

The O.A. is allowed.

The respondents are directed to release increment due on 01.07.2012 to the applicant and extend to him all consequential benefits subject to his furnishing an undertaking that in case the issue relating to entitlement to one notional increment which is pending in the Hon'ble S.C. in S.L.P. is decided in the negative, he shall refund the amount received in excess. This order shall be complied with within three months from today. No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 15/02/2023

O.A.No.1191/2022

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 Member (J) .
Judgment signed on : 15/02/2023.
and pronounced on