

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 183/2023(S.B.)**

1. Manohar Anandrao Kadu,
Age about 61 years, Occ.: Retired,
R/o. Plot No.38, Dr. Panjabrao Deshmuk
Colony, VMV Road, Nathora Naka, Amravati.
2. Dinkar Janardan Kale,
Age about 62 years, Occ.: Retired,
R/o. Dr. Panjabrao Deshmuk Colony, VMV Road,
Nathora Naka, Amravati.
3. Devendra Mahadeorao Kanate
Age about 62 years, Occ.: Retired,
R/o. Ashiyad Colony, Shegaon-Rahatgaon Road,
Behind Hanuymandir, Amravati.
4. Arun Vishnupant Bajad,
Age about 66 years, Occ.: Retired,
R/o. Vishnu Nagar, Near Noosori Bus Stop, VMV-
Walgaon Road, Noosori, Amravati.
5. Janardan Uttamrao Mahore,
Age about 77 years, Occ.: Retired,
R/o. Gurukrupa Colony, Jewad, Near Shankar Nagar,
Amravati.

Applicants.**Versus**

1. The State of Maharashtra,
Through its Additional Chief Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
2. Divisional Commissioner,
Amravati Revenue Division,
Kanta Nagar, Camp, Amravati-444 602

3. Collector,
District Collector Office,
CAMP Amravati – 444602
4. Chief Conservator of Forests(Regional),
Forest Settlement Officer,
Amravati Circle, Camp Amravati-444602.
5. Tahasildar,
Tahasil Office, Bhatkuli,
District Amravati- 444602
6. The Principal Secretary (Forests)
Revenue & Forest Department,
Mantralaya, Mumbai-32.

Respondents

Shri R.M.Fating, Ld. counsel for the applicants.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 12th April, 2023.

JUDGMENT

Heard Shri R.M.Fating, learned counsel for the applicants and
Shri V.A.Kulkarni, learned P.O. for the Respondents.

2. The issue raised in this O.A. is covered by the Judgment of
Hon'ble Supreme Court in S.L.P. No.6185 of 2022 in Civil Appeal No.2431 of
2022 decided on 11.04.2023. Therefore, reply of the respondent is not
necessary.

3. With the consent of parties heard finally.

4. All the applicants retired on 30th June. They were not granted increments which fall due on 1st July. The chart of the respective applicants are given below-

Sr. No	Name of Petitioner	Designation with Last Office address from which retired	Date of Birth	Date of Joining (Post)	Date of retirement from Department	Due date of Increment
1	2	3	4	5	6	7
1	Manohar Anandrao Kadu	Deputy Collector, Office of Collector Office, Amravati	01.07.1961	18.01.1990 (Naib Tahasildar)	30.06.2019	01.07.2019
2	Dinkar Janardan Kale	Forest Settlement Officer, Office of Chief Conservator of Forest, Amravati.(On deputation)	05.06.1960	23.01.1990 (Naib Tahasildar)	30.06.2018	01.07.2018
3	Devendra Mahadeo Kanate	Naib Tahasildar, Office of the Divisional Commissioner, Amravati	07.06.1960	12.08.1981 (Junior Clerk)	30.06.2018	01.07.2018
4	Arun Vishnupant Bajad	Naib Tahasildar, Office of the Divisional Commissioner, Amravati	18.06.1956	10.08.1981 (Junior Clerk)	30.06.2014	01.07.2014
5.	Janardan Uttamrao Mahore	Naib Tahasildar, Office of Tahasildar, Bhatkuli, Dist. Amravati	11.06.1946	16.07.1973 (Junior Clerk)	30.06.2004	01.07.2004

5. It is the contention of the applicants that they are retired on 30th June of the respective years. They are not granted Annual increments which fall due on 1st July. The issue is covered by judgment of Division Bench of Madras High Court in the case of ***P. Ayyamperumal Vs. The Registrar and Ors. (W.P.No.15732/2017 decided on 15.09.2017)***. The Hon'ble Division Bench of Madras High Court has held that the employee who served a continuous one year and retired on 30th June, they are entitled for increment which falls on 1st July. S.L.P. was filed against the Judgment of Madras High Court and the S.L.P. came to be dismissed on 20.07.2018.

6. Learned Advocate Shri R.M.Fating has pointed out the Judgment of Hon'ble Supreme Court in S.L.P. No.6185/2020 in Civil Application No.2471/2022 decided on 11.04.2023. In this Judgment, the Judgments of various High Courts are considered by the Hon'ble Supreme Court and has observed in para 7 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.

7. In view of the judgment of 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*, the following order is passed.

ORDER

- 1) The O.A. is allowed.
- 2) The respondents are directed to grant increments the applicants shown in the chart which fall due on 1st July of the respective year and grant all consequential benefits within a period of two months from the date of receipt of this order.
- 3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 12/04/2023

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 : 12/04/2023.