

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 236 /2021(S.B.)**

Namdeo S/o Vithobaji Ingole,  
aged about 62 years,  
Occupation: Retired (Medical Officer),  
R/o Chitnis nagar, Behind Panchwati Ashram,  
Nagpur, Tah. & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through it's Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan,  
St. Gorege Hospital Premises,  
Near CST, Mumbai.
- 3) The Deputy Director,  
Public Health Services,  
Mata Kacheri, Near Diksha Bhumi,  
Nagpur, Tah. & dist. Nagpur.
- 4) The Account General Maharashtra (Account & Entitlement) II,  
Post Box No.114,  
Infront of Ravi Bhawan, Nagpur.

**Respondents**

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Shri S.N.Gaikwad, Ld. Counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

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**With****ORIGINAL APPLICATION NO. 237 /2021(S.B.)**

Dr. Ramesh Daulatrao Fulzele,  
aged about 62 years,  
Occupation: Retired (Medical Officer),  
R/o Ramkrushna nagar,  
Dighori, Umred road,  
Nagpur, Tah. & Dist. Nagpur.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through it's Secretary,  
Department of Public Health,  
Mantralaya, Mumbai-32.
- 2) The Director of Health Services,  
Arogya Bhavan,  
St. Gorege Hospital Premises,  
Near CST, Mumbai.
- 3) The Deputy Director,  
Public Health Services,  
Mata Kacheri, Near Diksha Bhumi,  
Nagpur, Tah. & dist. Nagpur.
- 4) The Account General Maharashtra (Account & Entitlement) II,  
Post Box No.114,  
Infront of Ravi Bhawan, Nagpur.

**Respondents**

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Shri S.N.Gaikwad, Ld. Counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

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

**Dated: - 17<sup>th</sup> July 2023.**

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**COMMON JUDGMENT**

**Judgment is reserved on 10<sup>th</sup> July, 2023.**

**Judgment is pronounced on 17<sup>th</sup> July, 2023.**

Heard Shri S.N.Gaikwad, learned counsel for the applicants and Shri S.A.Sainis, learned P.O. for the respondents.

2. Common issue is involved in these O.As. and hence the O.As. are being decided by this common Judgment.

3. The applicant in O.A.No.236/2021 retired on superannuation on 30.06.2017 whereas the applicant in O.A.No.237/2021 retired on superannuation on 30.06.2016. It is their contention that benefit of increment falling due on 01.07.2017 and 01.07.2016, respectively be extended to them. The issue is no longer res-integra.

3. *In "the Director (Admn & HR) KPTCL & others Versus C.P.Mundinamani & Ors. (Judgment dated 11.04.2023 in Civil Appeal No.2471 of 2023(@SLP (C) No.6185/2020)" the Hon'ble Supreme Court has held that the entitlement to receive increment crystallises when the Government servant completes requisite length of service with good conduct, and becomes payable on the succeeding day.*

4. In G.R. dated 28.06.2023 issued by Finance Department of Government of Maharashtra it is laid down-

उपरोक्त प्रमाणे कार्यवाही केल्यानंतर मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांनी त्यांच्या दिनांक १६.०२.२०२३ रोजी च्या आदेशातील परिच्छेद क्रमांक ९ मध्ये नमूद केले आहे की, This notional inclusion of the annual increment would be considered for re-calculating their pension, gratuity, earned leave, commutation of pension benefits etc. तरी त्याप्रमाणे अर्जदारास लाभ अनुज्ञेय करण्यात यावे.

5. In view of aforesaid factual and legal position the O.As. are allowed. The applicant in O.A.No.236/2021 is held entitled to increment notionally falling due on 01.07.2017 and consequential benefits, and the applicant in O.A.No.237/2021 is held entitled to increment notionally falling due on 01.07.2016, with consequential benefits. Arrears shall be paid to the applicant within three months from today. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 17/07/2023  
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 Member (J).  
Judgment signed on : 17/07/2023.  
and pronounced on