

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 758/2022(S.B.)**

- 1) Nandlal Motiram Somkuwar,
Aged-62 years, Occu-Pensioner
R/O- Flat No.102, Sparsh Appartment,
Ravindra Nagar, Nagpur-440022.
- 2) Umesh Kaniram Rathod,
Aged- 60 years, Occu-Pensioner,
Plot No.7, Beltarodi Road, Vaishnav Park, Besa,
Nagpur-4400341
- 3) Maroti Nagobaji Chalkh,
Aged-60 years, Occu-Pensioner, R/O-Semana Road,
Near Sanjivani High School, P.O. Semana,
Navegaon (Murkhala), Tah + Distt- Gadchiroli-
442605
- 4) Ashok Baburao Umretkar,
Aged- 63 years, Occu-Pensioner,
R/O- At+Post-Telkamptee,
Tah-Kalmeshwar, Distt- Nagpur
- 5) Mahadeo Mohanji Bawane,
Aged- 63 years, Occu-Pensioner
R/O- Plot No. 34, East Balaji Nagar,
Near Padole Medical Store,
Manewada Road, Nagpur-440024
- 6) Dilip Fattuji Tadse,
Aged- 61 years, Occu-Pensioner,
R/O- Dayal Nagar,
Near Takshshila Buddha Vihar, Wardha-442001

- 7) Harihar Prafullakumar Roy,
Aged-62 years, Occu-Pensioner,
R/O- D-404, Shivas Residency,
Shiv Nagar, Zingabai Takli,
Godhani Road, Nagpur-440030
- 8) Omprakash Bhimrao Gudhe,
Aged-62 years, Occu-Pensioner,
R/O- Capital Heights,
T-3/503, Medical Square, Nagpur-440003
- 9) Sanjay Ganesh Bhilkar,
Aged-62 years, Occu-Pensioner,
R/O- Behind Forest Office,
Armori Road, Desaiganj (Wadsa),
Distt Gadchiroli.
- 10) Prakash Vasantao Dhawangale,
Aged-60 years, Occu-Pensioner,
R/O-Plot 132-A, Shivanagar,
Behind Sangam Talkies, Nagpur-440024
- 11) Vitthal Pandurang Patil
Aged-70 years, Occu-Pensioner,
R/O- Siddharth Society, Vaishali Nagar,
Yavatmal-445001
- 12) Valmik Tanaji Ingole,
Aged-60 years, Occu-Pensioner,
R/O-24, Watchal, Laxminagar- 3,
Digras, Distt- Yavatmal- 445203
- 13) Nivrutti Punjaji Sarkate,
Aged- 67 years, Occu-Pensioner,
R/O- Niranjana Nagar, Near Tirupati City,
Malegaon Road, Washim,
Tah+Distt- Washim-444505
- 14) Nilkanth Sonuji Chaware,
Aged- 63 years, Occu-Pensioner,

R/O- Near Hutatma Smarak, Vidyanagar,
Bramhapuri, Distt- Chandrapur-441206

- 15) Sudhakar Pralhadrao Ambulkar,
Aged- 67 years, Occu-Pensioner,
R/O-Ward No.1, Behind Z.P. High School,
Mangrulpir, Distt- Washim- 444403.
- 16) Mohan Devidas Pawar,
Aged- 60 years, Occu-Pensioner,
R/O-Sawarkar Nagar, Bhadrawati,
Distt- Chandrapur- 442902.
- 17) Ramesh Kothiramji Gedam,
Aged-62 years, Occu-Pensioner,
R/O- 1164, Ashirwad Nagar, Nagpur-440024
- 18) Kishor Vishnupant Asre,
Aged-59 yrs, Occu- Pensioner,
R/O-Laxmi Vishnu Apartment,
Jaitala Road, Near Gorley-Lay- Out,
Kasturba-Lay-Out, Nagpur-440023
- 19) Gomaji Kachruji Lonare,
Aged- 68 years,
Occu.-Pensioner, R/O- Chitalkar-Lay-Out,
Nandurkar Swimming Tank Road,
Yavatmal-445001

Applicants.

Versus

- 1) State of Maharashtra
School Education and Sports Department,
Mantralaya, Through its Secretary
Mumbai-32.
- 2) Department of Agriculture,
Dairy Development, Animal Husbandry,

Mantralaya, Mumbai-32 Through its Secretary

- 3) Department of Revenue and Forest,
Mantralaya, Mumbai-32
Through its Secretary
- 4) Commissioner of Education,
Maharashtra State Central Building,
Pune.
- 5) Divisional Commissioner,
Amravati Division,
Amravati.
- 6) The Collector, O/O the Collector,
Yavatmal.
- 7) Director of Secondary and Higher Secondary Education,
Maharashtra State Central Building,
Pune.
- 8) Commissioner,
Animal Husbandry Department,
Maharashtra State,
Aundh, In front of Spicer College, Pune.
- 9) Regional Joint Commissioner,
Animal Husbandry Department,
Civil Lines, Gramin S.P.Compound, Nagpur.
- 10) Education Officer (Secondary),
Zilla Parishad, Nagpur.
- 11) Deputy Director of Education,
Amravati Division, Amravati
- 12) Deputy Director of Education,
Nagpur Division, Nagpur
- 13) Education Officer (Primary) Zilla

Parishad, Wardha.

- 14) Education Officer (Secondary),
Zilla Parishad, Yavatmal.
- 15) Education Officer (Primary),
Zilla Parishad, Nagpur
- 16) Education Officer (Primary),
Zilla Parishad, Chandrapur.
- 17) Education Officer (Secondary) Zilla
Parishad, Gadchiroli.
- 18) Education Officer (Secondary),
Zilla Parishad, Chandrapur.
- 19) Chief Executive Officer,
Zilla Parishad, Gadchiroli.
- 20) Tahsildar,
Office of the Tahsildar,
Umarkhed, Distt-Yavatmal.
- 21) District Deputy Commissioner,
Animal Husbandry Department,
Seminary Hills, Nagpur.
- 22) Education Officer (Primary),
Zilla Parishad, Gadchiroli.

Respondents

Shri U.J.Deshpande, Ld. Counsel for the applicants.

Shri M.I.Khan, Ld. P.O. for the respondents.

Shri A.W.Paunikar, Ld. Counsel for the respondents 17,19 & 22.

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

Dated: - 17th July 2023.

JUDGMENT

Judgment is reserved on 12th July, 2023.

Judgment is pronounced on 17th July, 2023.

Heard Shri U.J.Deshpande, learned counsel for the applicants, Shri M.I.Khan, learned P.O. for the respondents and Shri A.W.Paunikar, Id. Counsel for the respondents 17,19 & 22.

2. All the applicants retired on 30 June but in different years as detailed on pages 10 to 18 of the O.A.. Their principal prayer is as under-

Direct the respondents to release the annual increment that has become due to the Applicants on the next day of their respective retirement dates i.e. 1st July as shown in the column No.10 of the chart contained in paragraph 3 of the present Original Application including pensionary benefits and consequential benefits on the basis of revision of pay;

3. The issue involved in this O.A. 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 the factual and legal position stated above, the O.A. is allowed in terms of prayer clause-2 with 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