

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 776/2022(S.B.)**

1. Gopal Shamraoji Padole,
Aged 60 years, Occ. Retired Govt.Servant,
R/o 88-B, Bajarang Nagar,
Manewada Road, Nagpur.
2. Sagar Shankar Waghmare,
Aged 58 years, Occ. Retired Govt. Servant,
R/o 57-B, New Kailash Nagar,
Annabhau Sathe Marg,
Nagpur.

Applicants.

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. Director General of Police Central Building,
M.S. Old Council Hall,
Maharashtra SB Marg Colaba, Mumbai-1.
3. Superintendent of Police (Wireless),
East Zone, Katol Road, Nagpur.

Respondents

Shri R.V.Shiralkar, Ld. counsel for the applicants.

Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 27th April, 2023.

With

ORIGINAL APPLICATION NO. 779/2022(S.B.)

1. Chandrashekhar Balaji Nighot,
Aged 61 years, Occ. Retired Govt. Servant,
R/o 191, Guruprasad Nagar,
Dattawadi, Nagpur.
2. Keshav Bichhulalji Damahe,
Aged 64 years, Occ. Retired Govt. Servant,
R/o c/o 265, Bahale Layout,
Near Mata Mandir, Laxmi Park,
Wanadongri (Isasani), Hingna, Nagpur.

Applicants.**Versus**

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. Director General of Police Central Building,
M.S. Old Council Hall,
Maharashtra SB Marg Colaba, Mumbai-1.
3. Commandant, SRPF Group-IV,
Hingna Road, Nagpur-16.

Respondents

Shri R.V.Shiralkar, Ld. counsel for the applicants.

Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 27th April, 2023.

With

ORIGINAL APPLICATION NO. 780/2022(S.B.)

1. Manohar Madhukarrao Patane,
Aged 63 years, Occ.Retired Govt. Servant,
R/o 47, Kahalkar Complex,
Shashtri Layout, Hingna Road,
Subhash Nagar, Nagpur.
2. Vilas Shankarrao Wandile,
Aged 62 years, Occ. Retired Govt. Servant,
R/o 35, Kotwal Nagar,
Ring Road, Nagpur. **Applicants.**

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Home, Mantralaya, Mumbai-32.
2. Director General of Police Central Building,
M.S. Old Council Hall,
Maharashtra SB Marg Colaba, Mumbai-1.
3. Principal, Unconventional
Operation Training Centre,
Surabardi, Nagpur.

Respondents

Shri R.V.Shiralkar, Ld. counsel for the applicants.

Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 27th April, 2023.

COMMON JUDGMENT

Heard Shri R.V.Shiralkar, learned counsel for the applicants and

Shri H.K.Pande, learned P.O. for the Respondents.

2. In all these matters learned counsel for the applicants Shri R.V.Shiralkar has pointed out the recent judgment of Hon'ble Supreme

Court in S.L.P No.6185/2020, decided on 11.04.2023 and submitted that reply of all respondents is not necessary. In view of the Judgment of Hon'ble Supreme Court all three O.As. are admitted and with the consent of learned counsel for both the sides decided finally.

3. All the applicants are retired on 30th June of the respective year as shown in the Chart in O.A.No.776/2022 at page 11, in O.A.No.779/2022 at page 11 and in O.A.No.780/2022 at page 11. All those Charts are reproduced below-

1) O.A.No.776/2022 :-

Sr. No.	Name of Applicants	Date of Retirement	Post & Department	Last Posting Office Address
1	Gopal Shamraoji Padole	30/06/2019	Police Sub Inspector (PSI) Police	Supdt. Of Police (Wireless),East Zone, Nagpur.
2	Sagar Shankar Waghmare	30/06/2022	Police Sub Inspector (PSI) Police	Supdt. Of Police (Wireless),East Zone, Nagpur.

2) O.A.No.779/2022 :-

Sr. No.	Name of Applicants	Date of Retirement	Post & Department	Last Posting Office Address
1	Chandrashekhar Balaji Nigot	30/06/2018	Asst. Sub Inspector (ASI) / HWO	Commandant SRPF Gr-IV, Hingna Road, Nagpur-16.
2	Keshao Bichchhulal Damahe	30/06/2016	Police Sub Inspector (PSI) Police	Commandant SRPF Gr-IV, Hingna Road, Nagpur-16.

3) O.A.No.780/2022 :-

Sr. No.	Name of Applicants	Date of Retirement	Post & Department	Last Posting Office Address
1	Manohar Madhukarrao Patne	30/06/2017	Police Sub Inspector (PSI) Police	Principal, Unconventional Operation Training Centre Surabardi, Nagpur.
2	Vilas Shankarrao Wandile	30/06/2019	Deputy Superintendent of Police (DYSP) Police	Principal, Police Training Centre, Nagpur.

4. Before the Judgment of the Hon'ble Supreme Court, the Division Bench of Hon'ble Madras High Court in the case of **P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and Others** has held that the employees who retired on 30th June are entitled for annual increment which falls due on 1st July of the respective year. The Hon'ble Bombay High Court, Bench at Aurangabad has also taken the same view. There are various Judgments of various Hon'ble High Courts on the same point. The Hon'ble Supreme Court in the case of **Director (Admn. and HR) KPTCL & Ors. Vs.C.P. Muddinamani & Ors** in Civil Appeal No.2471/2023 in SLP No.6185/2020, decided on 11/04/2023 has held 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."

5. All the applicants retired on 30th June as shown in the above Charts. Therefore, they are entitled to get annual increment which falls due on 1st July of the respective year. Hence, the following order-

ORDER

- 1) All the O.As. are allowed.
- 2) The respondents are directed to grant annual increments to the applicants as shown in the Charts which fall due on 1st July of the respective year and grant 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 – 27/04/2023

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 : 27/04/2023.