

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 90/2021(S.B.)**

1. Udaysing Ajaysing Rajput,  
Aged about 59 years, Occupation : Retired,  
R/o Suraksha Colony, Tapovan,  
Amravati, Tah. & Dist. Amravati.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Additional Chief Secretary,  
Department of Home,  
Mantralaya, Mumbai – 32.
2. The Commissioner of Police  
(Amravati City), Near Maltekdi,  
Amravati, Tah. & Dist. Amravati.

**Respondents**

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Shri S.N.Gaikwad, Ld. counsel for the applicant.  
Shri H.K.Pande, Ld. P.O. for the respondents.

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

**Dated: - 7<sup>th</sup> December 2022.**

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**JUDGMENT**

Heard Shri S.N.Gaikwad, learned counsel for the applicant and  
Shri H.K.Pande, learned P.O. for the Respondents.

2. The case of the applicant in short is as under-  
The applicant was appointed on the post of Police Constable. He was promoted on the post of Head Constable. The applicant came to be retired on 30.06.2020. The respondents have not granted the increment which falls due on 1<sup>st</sup> July of that year and therefore the applicant approached to this Tribunal for direction to the respondents to grant increment due on 1<sup>st</sup> July 2020.
3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant was retired on 30.06.2020. Therefore, he cannot claim increment which falls due on 1<sup>st</sup> July 2020. Hence, O.A. is liable to be dismissed.
4. Heard Advocate Shri S.N.Gaikwad, for the applicant and P.O. Shri H.K.Pande, for the respondents. The issue for granting increment on the 1<sup>st</sup> July of the respective years is now well settled. This Tribunal has decided other O.As. holding that the employee who retires on 30<sup>th</sup> June is entitled for increment which falls on 1<sup>st</sup> July of that year.
5. The Hon'ble Madras High Court in **Writ Petition No.15732/2017 dated 15.09.2017 in the case of P.Ayyamperumal v/s Registrar, Central Administrative Tribunal, Chennai and Others** has held that "employee who retires on 30<sup>th</sup> June is entitled for increment

which falls on 1<sup>st</sup> July of that year.” The judgment of Hon’ble Madras High Court was confirmed by the Hon’ble Supreme Court in S.L.P. The Hon’ble Bombay High Court has also held that the employee who retires on 30<sup>th</sup> June, he is entitled for increment which falls on 1<sup>st</sup> July of that year. Hence, the following order.

**ORDER**

- 1) The O.A. is allowed.
- 2) The respondent no.2 is directed to release the annual increment due on 1<sup>st</sup> July 2020 to the applicant along with 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 – 07/12/2022

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 Vice Chairman.  
Judgment signed on : 07/12/2022.  
Uploaded on : 15/12/2022.