

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 919/2020 (S.B.)**

1. Gajanan Baliram Sherekar,  
Aged about 59 years, Occu : Retired (Accountant),  
R/o Shivshakti Nagar, Badnera road,  
Amravati, Tah. & Dist. Amravati.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Additional Chief Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai -32.
2. The Chief Conservator of Forest (Territorial),  
Amravati Circle Camp,  
Amravati
3. The Deputy Conservator of Forest,  
Camp Amravati, Tah. & Dist.  
Amravati.

**Respondents**

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Shri S.N.Gaikwad, Ld. counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

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**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 16<sup>th</sup> November 2022.**

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## **JUDGMENT**

Heard Shri S.N.Gaikwad, learned counsel for the applicant and  
Shri A.P.Potnis, 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 Dak Runner on 01.01.1982. He was promoted from the post of Clerk. The applicant was retired on 30.06.2019. The applicant was entitled to get the increment which falls on 1<sup>st</sup> July 2019 but the respondents have not granted the same therefore, the present O.A. for direction to the respondent to grant increment which falls due on 1<sup>st</sup> July 2019.
3. The O.A. is strongly opposed by the respondents. It is submitted that applicant is retired on 30.06.2019 and therefore he is not entitled to get increment which falls on 1<sup>st</sup> July 2019.
4. This issue of granting the increment to the employee who retired on the last date of June and to get increment which falls on 1<sup>st</sup> July of the respective years, is now settled by the decision of Hon'ble High Court and this Tribunal. In Writ Petition No.5864 of 2019 the Bombay High Court Bench at Nagpur held that employee who retired on 30.06.2019 he is entitled to get increments which falls

on 1<sup>st</sup> July of the respective years. In Writ Petition No.1443/2022 decided on 14 July 2022 Division Bench of Bombay High Court at Nagpur Bench held as under-

*“The challenge raised in the Writ Petition is to the common order dated 28/09/2020 in Original Application Nos.976/2019, 977/2019 and 1054/2019. By that order the Tribunal has held the respondents herein entitled to receive annual increment notwithstanding the fact that the said respondent retired on 30<sup>th</sup> June of the year in which he superannuated.*

*We find this issue has been considered and decided in **Pandhurang Vithobaji Dhumne Ors. Vs. State of Maharashtra, through its Secretary and Ors. (2022) 2 Bom CR 644**”. Since the judgment of the Tribunal is in accordance with what has been held in the aforesaid judgment, we do not find any reason to interfere in Writ Petition. It is accordingly dismissed. No costs.”*

5. Heard the learned counsel for the applicant and the learned P.O. for the respondents. In view of the judgment of Hon’ble Bombay High Court in the case of **Pandhurang Vithobaji Dhumne Ors. Vs. State of Maharashtra** reported in 2022 (Bombay Bench at

reporter 644 and in Writ Petitions 1443/2022 and in O.A.No.976/2019) the applicant is entitled to get the increment which falls due on 1<sup>st</sup> July.

6. There is no dispute that applicant retired on 30.06.2019 as per the above cited judgment the applicant is entitled to get increment which falls on 1<sup>st</sup> July 2019. Hence, the following order.

**ORDER**

- 1) The O.A. is allowed.
- 2) The respondent nos.1 and 2 are directed to grant increment due on 1<sup>st</sup> July 2019 with all consequential benefits to the applicant within a period of three months from the date of receipt of this order.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 16/11/2022

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 ViceChairman .  
Judgment signed on : 16/11/2022.  
Uploaded on : 22/11/2022.