

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 920 of 2022 (S.B.)

Sanjay S/o Kailashchandra Kango,
Aged 60 years, Occu. Retired
R/o Plot No.62, "Pushpam",
Rukhmini Nagar, New Subhedar Layout, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary,
Agriculture Department,
Mantralaya Fort, Mumbai-32.
- 2) Commissioner of Agriculture,
Maharashtra State, Pune-411 001.
- 3) Divisional Joint Director of Agriculture,
Nagpur Division, Nagpur.
- 4) District Superintendent of Agriculture,
Nagpur District, Nagpur.
- 5) Taluka Agriculture Officer Parshioni, Distt. Nagpur.

Respondents.

S/Shri N.D. and T.N. Thombre, Advocates for the applicant.
Shri S.A. Sainis, learned P.O. for the respondents.

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

Dated :- 03/01/2023.

JUDGMENT

Heard Shri N.D. Thombre, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The Id. P.O. files reply of R-1 to 5. It is taken on record and copy is given to the applicant.

3. The matter is admitted and decided finally with the consent of learned counsel for parties.

4. As per submission of learned counsel for applicant this matter is covered by the Judgment of this Tribunal in O.A. No.828/2021.

5. The applicant was working on the post of Agriculture Officer with respondent No.5 and retired from the said post on 31/07/2020. When the applicant was working with the respondents on the post of Agriculture Supervisor, he was granted one advance increment for the excellent work as per the order dated 02/11/2010. The applicant was due for retirement. Just before retirement, the respondent no.5 passed the order dated 18/06/2020 informing the applicant that he was wrongly given advance increment and hence his pay has been re-fixed w.e.f. 01/10/2008 by reducing one increment. It was further directed to recover the said amount from the applicant. The applicant deposited the amount of Rs. 1,23,381/-. The respondents have recovered an amount of Rs.3,88,333/- from the applicant. Now the applicant is retired.

6. Heard Shri S.A. Sainis, learned P.O. for the respondents. The O.A. is strongly opposed by the respondents.

7. Heard Shri N.D. Thombre, learned counsel for the applicant. As per his submission, the advance increment once granted, cannot be recovered.

8. Perused the impugned order dated 18/06/2020. As per this order, it appears that no any reason is given as to why the advance increment is withdrawn. It is only mentioned that it was wrongly granted, but why it was wrongly granted, is not mentioned.

9. This Tribunal in O.A. No.140/2022 has held that once the advance increment granted to employee, it cannot be withdrawn. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The impugned order dated 18/06/2020 is hereby quashed and set aside.

(iii) The amount recovered from the applicant, be refunded within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 03/01/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/01/2023.