

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 186/2023(S.B.)**

Sajjan S/o Dayaramji Mahulkar,  
Aged 65 years, Occ. Retired,  
R/o. Aadarsh Nagar, Sant Tukdoji Ward,  
Hinganghat, District Wardha.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
through Secretary,  
Public Health Department,  
Mantralaya, Mumbai- 440032.
2. The District health Officer,  
Zilla Parishad, Wardha,  
District Wardha.
3. The Chief Executive Officer,  
Zilla Parishad, Wardha.

**Respondents**

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Shri A.Kuril, Ld. Counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondent no.1.  
Shri N.M.Kolhe, Ld. Counsel for the respondent no.3.

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

**Dated: - 05<sup>th</sup> March, 2024.**

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## **JUDGMENT**

Heard Shri A.Kuril, learned counsel for the applicant, Shri A.P.Potnis, learned P.O. for the respondent no.1 and Shri N.M.Kolhe, Id. Counsel for the respondents 2 and 3.

2. Case of the applicant in short is as under-

The applicant was appointed as Junior Medical Officer by order of Chief Executive Officer dated 23.01.1986. The applicant was made permanent w.e.f. 02/12.03.1990. The respondents have started departmental enquiry against the applicant. The Enquiry Officer submitted his report. Respondent no.3 without considering the report of Enquiry Officer withheld one increment. It is also case of the applicant that he is retired on 30.06.2016, but increment which falls due on 1<sup>st</sup> July 2016 not paid to him. Therefore, he filed the present O.A. for the following reliefs-

*i) direct the respondent Nos.2 & 3 to release/restore the increment of Applicant which was temporarily withheld by respondent no.3 vide its order dated 16.03.2015 and thereby release the revised pensionary benefits by taking into consideration the said increment;*

*ii) or in alternative, direct the respondent no.3 to decide the representations dated 11.08.2020, 22.03.2021 and 15.03.2022 made by the applicant in respect of his request to release his*

*increment of 2015-16 and give all consequential benefits by revising his PPO;*

*This Paras are added & annexed at next page no. i.e. 10-B,*

*ii-a) direct the respondent no.2 and 3 to grant the applicant one notional increment of 1st July since he has retired on 30th June, 2016 and consequentially his pensionary benefits be revised and drawn by considering one notional increment falling due on 1st July, as per Government Circular dated 28.06.2023;*

*ii-b) or in alternative, direct respondent no.2 to decide the representation dated 24.07.2023 made by applicant for grant of one notional increment of 1st July and revise the pension accordingly.*

*iii) grant any other relief which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case.*

3. The O.A. is strongly opposed by the respondents 2 and 3.

It is submitted that the respondents have submitted proposal to pay the increment which falls due on 1<sup>st</sup> July in respect of the other prayer. The Disciplinary Authority has taken decision to stop one increment permanently. Therefore, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for the applicant has pointed out prayer in the O.A.. There is no dispute that now Government of Maharashtra has issued G.R. dated 28.06.2023 by which the Government of Maharashtra has taken decision to pay the

increment which falls due on 1<sup>st</sup> July of the respective year. As per the G.R. dated 28.06.2023, applicant is entitled to get increment which falls due on 1<sup>st</sup> July 2016.

5. In respect of withholding increment the applicant has prayed for direction to the respondents to decide his representations.

Hence, the following order-

**ORDER**

1. The O.A. is allowed.
2. The respondents are directed to pay increment which falls due on 1<sup>st</sup> July 2016 to the applicant within a period of three months.
3. The respondents are directed to decide the representations of the applicant dated 11.08.2020, 22.03.2021 and 15.03.2022 within a period of three months from the date of receipt of this order.
4. No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated - 05/03/2024.**  
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 Vice Chairman.  
Judgment signed on : 05/03/2024.  
Uploaded on : 05/03/2024.

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