

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**COMMON JUDGMENT IN O.A.NO.718/2022 & O.A.NO.737/2022**  
**ORIGINAL APPLICATION NO. 718/2022(S.B.)**

1. Bandu Harishchand Chuahan ,  
Aged about 62 year,  
R/o Irawar Layout, Visava Ward, Pusad.
2. Mirza Ajamal Beg,  
Aged about 69 years,  
R/o near Hamida Mazjid, Pusad.
3. Dyaneshwar Pandurang Hole,  
Aged about 62 years,  
R/o Jay Nagar, Washim Road,  
Pusad Dist: Yavatmal.
4. Motiram Ramji Cheke,  
Aged about 62 years,  
R/o Saphatgiri Nagar,  
Near Swami Samartha Mandir, Pusad.
5. Bhaurao Parshram Rathod,  
Aged about 61 years Plot No. 25,  
Satyanarayan Layout,  
Wadgaon Road, Yavatmal.
6. Manohar Bhaurao Gawali,  
Aged about 61 years,  
R/o 5, Ram Nagar, near Ram Mandir,  
Wadgaon Road, Yavatmal.
7. Shaikh Shabbir Shaikh Amir,

Aged about 65 years,  
R/o. Kanade Layout, Pusad

8. Parasharam Rodaba Chavhan,  
Aged about 68 years, Adarsh Nagar,  
Washim Road, Nagpur .

**Applicants.**

**Versus**

1. State of Maharashtra  
Through its Principal Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai – 32.
2. State of Maharashtra  
Through its Secretary Finance,  
Mantralaya, Mumbai - 32.
3. The Principal Chief of Conservator of Forest,  
Head of Forest Force,  
M.S., Civil Lines, Nagpur - 440001.
4. Conservator of Forest,  
Near Van Bhavan, Church Park,  
Yavatmal.
5. Social Forestry  
Divisional Forest Officer,  
Social Forestry Division, Yavatmal.
6. Dy. Conservator of Forest  
Melghat Tiger Reserve  
Distt. Amravati.

**Respondents**

Shri G.K.Bhusari, Ld. counsel for the applicants.  
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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**With**  
**ORIGINAL APPLICATION NO. 737/2022 (S.B.)**

1. Sharad Madhukarrao Ubale  
Aged about 60 years, Laxminagar, Bargadi Road,  
Pusad.
2. Kailash Yadavrao Narwade  
Aged about 60 years, Laxminagar, Bargadi Road,  
Pusad.
3. Maroti Baliram Rumale,  
Aged about 58 years,  
Sai Nagari, Umarched Road,  
Pusad.

**Applicants.**

**Versus**

1. State of Maharashtra,  
through its Principal Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.
2. The Principal Chief of Conservator of Forest,  
Head of Forest Force, M.S., Civil Lines,  
Nagpur-440 001.
3. Conservator of Forest,  
Near Van Bhavan, Church Park,  
Yavatmal.
4. Dy. Conservator of Forest,  
Pusad Divison, Pusad.

**Respondents**

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Shri G.K.Bhusari, Ld. counsel for the applicants.

Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

**Dated: - 4<sup>th</sup> August, 2023.**

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**COMMON JUDGMENT**

Heard Shri G.K.Bhusari, learned counsel for the applicants and Shri V.A.Kulkarni, learned P.O. for the Respondents. The matter is heard and decided finally with the consent of learned counsel for both the sides.

2. The learned counsel for the applicants has pointed out the Government Resolution dated 28.06.2023 and submitted that as per this G.R. the applicants are entitled for the increment which falls due on 1<sup>st</sup> July of the respective year.

3. Case of the applicants in short is as under.

All the applicants were working with the respondents department. They are retired after completion of the age of superannuation on 30<sup>th</sup> June.

4. The respondents have not granted increment which falls due on 1<sup>st</sup> July of the respective year. Therefore, the applicants are approached to this Tribunal for direction to the respondents to grant one increment which falls due on 1<sup>st</sup> July of the respective year.

5. The Affidavits-in-reply are not filed by the respondents. Both the O.As. are covered by recent G.R. dated 28.06.2023. Before the G.R., the

issue is settled by the Hon'ble Supreme Court in the case of *State of Uttar Pradesh & Ors. Vs. Arvind Kumar Shrivastava & Ors.* Before the Judgment of the Hon'ble Supreme Court, the Division Bench of Madras High Court in the case of *P.Ayyamperumal Vs. The Registrar and three others* in W.P.No.15732/2017 has held that employees who retire on 30<sup>th</sup> June, they are entitled to get increment which falls due on 1<sup>st</sup> July of the respective years. The Hon'ble Bombay High Court Bench at Aurangabad in W.P.No.1881/2023 has also held that the employees who retire on 30<sup>th</sup> June, are entitled to get increment which falls due on 1<sup>st</sup> July. The Hon'ble Supreme Court has held that the employees who retire on 30<sup>th</sup> June they are entitled to get increment which falls due on 1<sup>st</sup> July of the respective years. After the Judgment of the Hon'ble Supreme Court in Special Leave Petition No.22283/2018, decided on 23.07.2018, Government of Maharashtra has issued G.R. dated 28.06.2023.

6. As per G.R. dated 28.06.2023, the Government of Maharashtra has taken the following decision -

मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांनी दिलेले उपरोक्त आदेश विचारात घेऊन सर्व विभागांना खालीलप्रमाणे कळविण्यात येत आहे.

जे राज्य शासकीय कर्मचारी दि. ३० जून रोजी सेवानिवृत्त झाले आहेत व ज्यांनी मागील १२ महिन्यांची अर्हताकारी सेवा केलेली आहे अशा सर्व सेवानिवृत्त कर्मचाऱ्यांना दि. ०१ जुलै रोजीची काल्पनिक (Notional) वेतनवाढ विचारात घेऊन, त्यांचे सेवानिवृत्तीवेतन सुधारीत करण्यासाठी संबंधित कार्यालयांकडे अर्ज करण्याबाबत सर्व संबंधित सेवानिवृत्तांना

आवाहन करण्याबाबत, सर्व मंत्रालयीन प्रशासकीय विभागांनी त्यांच्या अधिनस्त कार्यालयातील विभागप्रमुखांना कळवावे.

त्यानंतर याप्रमाणे अर्ज प्राप्त झाल्यानंतर, संबंधित कार्यालयांनी वर नमूद केलेल्या मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांच्या उपरोक्त आदेशात नमूद केल्यानुसार संबंधितांना सुधारीत सेवानिवृत्तीविषयक लाभ अनुज्ञेय करावेत. तसेच सदर लाभ सुधारीत करण्यात आल्यानंतर त्यांनी अर्ज दाखल केलेल्या दिनांकाच्या मागील ३ वर्षांची थकबाकी अथवा त्यांच्या सेवानिवृत्तीचा दिनांक या पैकी जे कमी असेल तितकी थकबाकी देण्यात यावी. मा. उच्च न्यायालयाने दिलेल्या मार्गदर्शक तत्वांची पूर्तता करित असलेल्या कोणत्याही सेवानिवृत्तीचा अर्ज फेटाळण्यात येऊ नये.

तसेच संबंधित कार्यालयांनी त्यांच्याकडे उपलब्ध असलेल्या माहितीच्या आधारे अशा प्रकरणांचा त्यांच्या स्तरावरच तपासणी करून निपटारा करावा.

उपरोक्त प्रमाणे कार्यवाही केल्यानंतर मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांनी त्यांच्या दिनांक १६.०२.२०२३ रोजी च्या आदेशातील परिच्छेद क्रमांक ९ मध्ये नमूद केले आहे की, This notional inclusion of the annual increment would be considered for re-calculating their pension, gratuity, earned leave, commutation of pension benefits etc. तरी त्याप्रमाणे अर्जदारास लाभ अनुज्ञेय करण्यात यावे.

मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांच्या उपरोक्त निर्णयाचे तंतोतंत पालन करण्यात यावे.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०२३०६२८१६१३३५८९०५ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

7. In view of the above cited Judgment of the Hon'ble Supreme Court, the Judgment of the Hon'ble High Court and the G.R. dated O.A.No.718 & 737/2022

28.06.2023, the applicants are entitled for increment which falls due on 1<sup>st</sup> July. Hence, the following order.

**ORDER**

1. The O.As. are allowed.
2. The respondents are directed to grant increment which falls due on 1<sup>st</sup> July of the respective year to the applicants and pay the 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 – 04/08/2023

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 : 04/08/2023.  
Uploaded on : 09/08/2023.