

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.399/2023 (S.B.)

Shri Vijay Kumar Sitaram Kurkute,
Aged about: 63 years, Occu.: Retired,
R/o. Somwari Peth, Sindkhed Raja,
Distt.: Buldhana.

... **APPLICANT**

// V E R S U S //

- 1] The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2] The Collector, Buldhana.
- 3] The Sub Divisional Officer,
Sindkhed Raja, Distt.: Buldhana.
- 4] The Tahsildar,
Deulgaon Raja, Distt. : Buldhana.

... **RESPONDENTS**

Shri G.G. Bade, Learned Counsel for the Applicant.

Smt A.D. Warjekar, Learned P.O. for the Respondents.

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

Dated :- 09/01/2025.

J U D G M E N T

Heard G.G. Bade, learned counsel for the Applicant and Smt A. D. Warjekar, learned P.O. for the Respondents.

2. The case of applicant in short is as under:-

Applicant was appointed on the post of Talathi as per order dated 29/06/1984. Applicant came to be retired on 30/06/2016. The respondents have not paid annual increment which falls due on 1st July and also arrears of pay. Therefore, applicant approached to this Tribunal for the following reliefs:-

“9. Direct the respondent Department to grant annual increment due on 01/07/2016, alongwith all consequential benefits arising thereof and so also the arrears of pay, for which applicant is entitle

10. Direct the respondent Department to extend the benefits of Judgment dated 24/01/2023 passed in Original Application No. 79/2021, during the pendency of the present Original Application, in the interest of justice.”

3. Reply is not filed by respondents. This O.A. is covered by the Judgment of the Hon’ble Madras High Court in W.P. No.15732/2017 in the case of ***P.Ayyamperumal VS The Registrar and others*** decided on 15/09/2017 and also G.R. issued

by Government of Maharashtra dated 28/06/2023. The Government has taken 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) वेतनावढा 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 करीत असलेल्या कोणत्याही सेवानिवृत्ताचा 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.”

4. The Division Bench of Madras High Court in W.P. No.15732/2017 in the case of ***P. Ayyamperumal VS The Registrar and others (cited supra)*** has held that employee who retired on 30th June is entitled to get increment which falls due on 01st July of the respective year. The said Judgment was challenged before the Hon'ble Supreme Court in S.L.P (Civil) Diary No.22283/2018. The Hon'ble Supreme Court has dismissed the said S.L.P on 23/07/2018. Thereafter, Government of Maharashtra has issued G.R. dated 28/06/2023.

5. As per the Government Resolution dated 28/06/2023, the Government of Maharashtra has decided to grant increment which falls due on 1st July to the employee who retired on 30th June. Applicant was retired on 30/06/2016, hence, he is entitled to get increment which falls due on 1st July. Therefore, the following order is passed:-

O R D E R

- (i) O.A. is allowed.
- (ii) Respondents are directed to grant increment which falls due on 01/07/2016 to the applicant.
- (iii) The Respondents are directed to pay consequential benefit to the applicant within a period of three months from the date of receipt of this order.
- (iv) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :-09/01/2025.

PRM.

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 09/01/2025.