

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 335/2019(S.B.)**

Ashok S/o. Murlidhar Chaware,  
Aged about 57 years, Occ. Service,  
R/o. Sai Chowk, Sheshnagar, Brahmapuri,  
Distt. Chandrapur.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through its secretary,  
Department of Agriculture,  
Madam Cama Road, Hutatma Rajguru Chowk,  
Mantralaya Mumbai- 400 032.
2. Commissioner of Agriculture,  
Commissionerate of Agriculture,  
Maharashtra State, Pune-411 001.
3. Deputy Commissioner,  
Commissionerate of Agriculture,  
Maharashtra State, Pune-411 001.
4. Divisional Joint Director of Agriculture,  
Nagpur Division, Nagpur.
5. District Superintending Agriculture Officer,  
Gadchiroli.
6. Taluka Agriculture Officer,  
Wadsa, Distt. Gadchiroli.

**Respondents.**

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Shri A.S.Dhore, Ld. Counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

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

**Dated:- 31<sup>st</sup> July, 2024.**

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### **JUDGMENT**

Heard Shri A.S.Dhore, learned counsel for the applicant and  
Shri S.A.Sainis, learned P.O. for the Respondents.

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

The applicant was appointed on the post of Sub-Soil Conservation Officer, Deori on 05.05.1983. The said office was thereafter merged in the respondent department of Agriculture. The applicant is in service of the department of Agriculture. The applicant rendered service excellent and therefore two additional increments were granted as per order dated 24.04.2000 w.e.f. 01.10.1993. The respondent no.4 Divisional Joint Director of Agriculture, Nagpur Division, Nagpur had directed Taluka Agricultural Officer, Brahmapuri to take action as per the order of respondent no.2 dated 21.02.2009. Again the applicant was granted one more additional increment as per order dated 27.01.2009 w.e.f. 01.10.2007. The respondent nos. 3 and 6 have communicated to the applicant that the benefit of additional increments during the period of 6<sup>th</sup> Pay Commission i.e. from 1.10.2006 to 01.10.2015 are not payable

in view of the Government Resolution dated 24.08.2017 and therefore the proposal of grant of additional increments is returned. Hence, the applicant has challenged the said impugned order dated 10.01.2019 and 25.01.2019 for the following reliefs-

*A. Quash and set aside the order dated 25/01/2019 issued by the respondent no.3 Deputy Commissioner of Agriculture and order dated 10/01/2019 issued by the respondent no.6 Taluka Agriculture Office, denying the benefits of the additional increment which were already sanctioned to the applicant by the order dated 27/01/2009 passed by respondent no.2 Commissioner and thereby, direct the respondents to release the said benefits to the applicant.*

*B. Hold and declare that the provisions of Government Resolution dated 24/08/2017 are not applicable to the case of the applicant, in view of the order dated 27/01/2009 passed by respondent no.2 - Commissioner whereby, the benefits of the additional increment were already sanctioned to the applicant.*

*C. Grant any other relief which this Hon'ble Tribunal may deems fit and proper in the facts and circumstances of this case in the interest of justice.*

3. The respondents 2 to 6 have filed their reply. As per the contention of the respondents, the Government has issued G.R. dated 24.08.2017. As per the guidelines given in the G.R., the additional increments are not payable because of the implementation of 6<sup>th</sup> Pay Commission.

4. During the course of submission, the learned counsel for the applicant has pointed out the Judgment of the Hon'ble Bombay High

Court, Bench at Aurangabad in Writ Petition No.14625/2019 with connected Writ Petitions and the Judgment of the M.A.T., Bench at Aurangabad in O.A.No.689/2022. He has also pointed out the Judgment of this Tribunal in O.A.No.828/2021. The Hon'ble High Court has held that the G.R. dated 24.08.2017 cannot be made applicable retrospectively. The Hon'ble High Court has held that the additional increments because of the excellent work of the employees were granted, cannot be denied because of the implementation of 6<sup>th</sup> Pay Commission. The respondents have issued G.R. dated 24.08.2017 on the ground that 6<sup>th</sup> Pay Commission is implemented and therefore whatever the additional increments granted before the implementation cannot be granted. The employees who were granted additional 2-3 increments, were on the basis of their excellent performances. The Government of Maharashtra issued this G.R. dated 24.08.2017 by giving retrospective effect for not granting benefit of additional increments which were granted earlier before the implementation of 6<sup>th</sup> Pay Commission. The Hon'ble High Court in above cited Writ Petition and this Tribunal has also held that the additional increments granted because of excellent work cannot be withheld because of the G.R. dated 24.08.2017. It is specifically held by the Hon'ble High Court in Writ Petition No.14625/2019 and the Judgment in Writ Petition 12531/2019 that G.R. dated 24.08.2017 cannot be given retrospective effect.

5. This Tribunal relying on the Judgment in Writ Petition No.115131/2019 and the Judgment of this Tribunal in O.A.No.828/2021 decided on 13.07.2022. In view of the above cited Judgments, following order is passed-

**ORDER**

1. The O.A. is allowed.
2. The impugned orders dated 10.01.2019 and 25.01.2019 issued by the respondents 3 and 6 are hereby quashed and set aside.
3. The respondent authority are directed to grant the benefit of advance increments which were already sanctioned as per order dated 27.01.2009 after the revised 6<sup>th</sup> Pay Commission scale without giving effect to the G.R. dated 24.08.2017.
4. It is held that the G.R. dated 24.08.2017 is not retrospectively applicable.
5. The respondents are directed to release the pension and pensionary benefits to the applicant by granting the benefit of advance increments as per order dated 27.01.2009.

6. No order as to costs.

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

**Dated – 31/07/2024.**  
**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 : 31/07/2024.

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