

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 131 OF 2021
(Subject – Direction)**

DISTRICT : PARBHANI

Vilas S/o Narayanrao Shahane,)
Age : 56 years, Occu. : Service,)
R/o. Shahane Niwas, Gawali Galli,)
Parbhani, Tq. Parbhani.)

.... **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through Secretary,)
Animal Husbandry, Agriculture &)
Co-operative Department,)
Mantralaya, Mumbai-32.)
2. **The Commissioner of Agriculture,)**
Central Building, PUNE-1.)
3. **Joint Director of Agriculture,**)
Aurangabad Circle, Office at Kranit)
Chowk Aurangabad, Dist. Aurangabad.)
4. **Joint Director of Agriculture,**)
Zilla Parishad Campus, Barshi)
Road, Latur, District Latur.)
5. **District Superintendent of Agriculture Officer,)**
Bindusara Nursary, Namdeo Nagar,)
Palvan Road, Beed, Dist. Beed.)
6. **Taluka Agriculture Officer,**)
Majalgaon, Krishichikitsalaya,)
Telgaon Road, Majalgaon,)
Tq. Majalgaon, Dist. Beed.)
7. **Taluka Agriculture Officer,**)
Juna Pedgaon Raod, Parbhani, Dist. Parbhani.)

...RESPONDENTS

APPEARANCE : Shri V.G. Pingle, Advocate for the Applicant.

: Smt. M.S. Patni, Presenting Officer for
Respondents.

CORAM : **SHRI V.D. DONGRE, MEMBER (J).**

DATE : **03.08.2022.**

ORDER

1. By invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, the present Original Application is filed seeking direction to the respondents to grant Medical Leave, Earned Leave, as well as, admissible yearly increments for last many years, other service benefits including 1st, 2nd and 3rd time bound promotional scales etc. and to pay all consequential monetary benefits thereof to the applicant as per Rules and regulations and seeking interim order of direction more particularly to the respondent No. 5 to update and forward the original service book of the applicant to the office of respondent No. 7 as mentioned in the letter dated 22.06.2020 (Annexure A-5) addressed by the respondent No. 6 i.e. Taluka Agriculture Officer, Majalgaon, Dist. Beed to the office of respondent No. 7 i.e. Taluka Agriculture Officer, Parbhani, Dist. Parbhani within stipulated time frame of one month.

2. During the course of arguments and final hearing, learned Advocate for the applicant stated that the present O.A. can be disposed of by giving suitable directions as prayed for interim relief in terms of prayer clause (A) in view of the fact that the applicant is retired on superannuation on 30.11.2022.

3. The facts in brief giving rise to this Original Application can be stated as follows :-

(a) The applicant joined on the post of Agricultural Assistant on 06.09.1984 on the establishment of Sub-Divisional Soil Conservation Officer, Jalna. As on the date of filing of the present O.A., the applicant is working under the control and supervision of respondent No. 7 i.e. Taluka Agriculture Officer, Parbhani since 21.10.2015 (wrongly stated as 21.10.2018).

(b) It is further submitted that from 09.12.1993 to 26.06.1996, the applicant was working on the post of Agricultural Assistant at Bhandtakli and Bhogalgaon Tq. Georai under the then establishment of Sub-Divisional Agriculture Officer (Training and Visit Scheme) Majalgaon. He was transferred and relieved from the said office on 26.06.1996 to join on the place of transfer in the office the

then Sub-Divisional Officer (Training and Visit Scheme) Partur, Dist. Jalna. Pursuant to that the applicant reported on his duties in Partur office on 29.06.1996. After joining of the applicant, the said office at Partur issued letter to the office at Majalgaon for forwarding original service book of the applicant. With effect from 01.07.1996, Single Window came into force. Due to that, the then office at Majalgaon was absorbed as the present office of respondent No. 6 i.e. Taluka Agriculture Officer, Majalgaon, Dist. Beed. In view of the same, the original service book of the applicant was stated to be with the office of the said respondent No. 6 i.e. the Taluka Agriculture Officer, Majalgaon, Dist. Beed. However, the original service book of the applicant was never forwarded by the office of the respondent No. 6 to the place of transfer of the applicant as stated earlier since 21.10.2015. The applicant is serving under the control and supervision of the respondent No. 7 i.e. the Taluka Agriculture Officer, Parbhani, Dist. Parbhani.

(c) It is further submitted that the applicant submitted request application dated 24.07.2019 (Annexure A-1) to the office of respondent No. 6 requesting to send his service book to the office of respondent No. 7. In this regard, he

also made representation dated 27.01.2020 (Annexure A-2) to the higher authority i.e. the respondent No. 4 viz. the Joint Director of Agriculture, Dist. Latur about loss of his service book. Thereafter, the respondent No. 6 i.e. the Taluka Agriculture Officer, Majalgaon, Dist. Beed wrote a letter dated 03.03.2020 (Annexure A-3) to the respondent No. 7 to forward the factual position from 26.06.1996 and from 21.10.2015 onwards till date about alleged loss of applicant's original service book, in order to dispose of the case of the applicant of loss of service book. To that the respondent No. 7 sent reply dated 08.06.2020 (Annexure A-4) giving available details and more particularly contending that the applicant is going to retire on superannuation on 30.11.2022 and requesting respondent No. 6 to forward the applicant's original service book. The respondent No. 6 replied the said letter by letter dated 22.06.2020 (Annexure A-5) to the respondent No. 7 stating that the original service book of the applicant was deposited with the office of District Superintendent Agriculture Officer, Beed i.e. respondent No. 5. In view of the said letter dated 22.06.2020 (Annexure A-5), lastly the applicant submitted his application dated 11.12.2020 (Annexure A-6) to the

respondent No. 2 i.e. the Commissioner of Agriculture, Pune-1 making request to make available his original service book. However, his grievance is not redressed. Hence, the present Original Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 to 7 by one Shri Abhimanyu S/o Saluba Magar, working as the Administrative Officer, in the office of Divisional Joint Director of Agriculture, Aurangabad, Aurangabad, thereby he denied all the adverse contentions raised in the Original Application. However, he has admitted the substantive facts pleaded by the applicant on the basis of various correspondences. It is stated that the service book of the applicant is lost, but the authorities are assessing and exploring probability / possibility as to the eligibility of the applicant for reliefs prayed for in the present Original Application. However, according to the respondents, though the applicant stated that service book is not forthcoming since middle of the year 1996, he woke up in the year 2019 making correspondence and therefore, reliefs claimed by the applicant are time barred. Alternatively, it is stated that, if the duplicate service book is to be prepared by the concerned respondent, it may require time period of six months or more.

5. The applicant filed rejoinder affidavit and denied all the adverse contentions raised in the affidavit in reply reiterating his contentions raised in the Original Application. It is submitted that admittedly the service book is lost. The respondents seek time for preparing the duplicate service book, for which the applicant is ready to co-operate the respondent authorities.

6. I have heard the arguments advanced at length by Shri V.G. Pingle, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for respondents on the other hand.

7. During the course of arguments, learned Advocate for the applicant invited my attention to the farad sheet order dated 12.10.2021, in which my learned predecessor was pleased to observe that it is admitted by both the sides that it is a case of missing original service book. Internal communications between the departments show that Taluka Agriculture Officer, Majalgaon had submitted the service book of the applicant to the office of District Superintendent Agriculture Officer, Beed. At the time of passing of the said order, the affidavit in reply was not filed by the respondents. It was also ordered that the applicant should also in the meantime prepare a list of documents, which he is

able to present and which are in his possession and produce attested copies of the same to the respondents before the next hearing. In view of the same, the applicant submitted the copies of the documents to the respondents, copies which he has also produced on record in this O.A., which are taken on record as document 'X' collectively.

8. As stated in the beginning, learned Advocate for the applicant submitted that the applicant is not pressing for grant of relief in terms of prayer clause (B), which is regarding monetary reliefs. He submitted that the applicant is going to retire on superannuation on 30.11.2022. The respondents in their affidavit in reply in or about March 2022 submitted that they will take about six months for preparing duplicate service book of the applicant. Three months are already over. There are four months left for the applicant to retire on superannuation. The applicant has produced on record copies of documents available with him, which would enable the respondents to prepare the duplicate service book.

9. From the facts on record, it is evident that the applicant is a sufferer because of loss of his original service book at the instance of some of the officers of the respondents themselves.

There is nothing on record to show that the applicant is responsible for that. However, it appears that the applicant sought relief in this regard belatedly. However, considering the peculiar facts and circumstances, reliefs sought for by the applicant and at least reliefs as regards preparation of duplicate service book cannot be defeated due to alleged laches and negligence supposedly on the part of the applicant. It is primary duty of the concerned office to maintain service book of the applicant, in which such office has failed.

10. In the facts and circumstances and more particularly when the applicant has co-operated by forwarding the copies of the documents available with him to the respondent offices, the present Original Application can be disposed of by giving suitable directions to the respondents and more particularly to direct the respondent No. 5 i.e. the District Superintendent Agriculture Officer, Beed, Dist. Beed to reconstruct and update the service book of the applicant and to forward it to the office of the respondent No. 7 i.e. the Taluka Agriculture Officer, Parbhani, Dist. Parbhani as mentioned in the letter dated 22.06.2020 (Annexure A-5) issued by the respondent No. 6 to the respondent No. 7 within a period of two months. I therefore proceed to pass following order :-

ORDER

The Original Application No. 131/2021 stands disposed of in following terms :-

- (A) The respondent No. 5 i.e. the District Superintendent Agriculture Officer, Beed, Dist. Beed is directed to reconstruct, update and forward the duplicate service book of the applicant to the office of respondent No. 7 i.e. Taluka Agriculture Officer, Parbhani, Dist. Parbhani as mentioned in the letter dated 22.06.2020 (Annexure A-5) addressed by the respondent No. 6 to the respondent No. 7 in accordance with law within a period of two months from the date of this order and to communicate the decision therein to the applicant in writing.
- (B) No order as to costs.

PLACE : AURANGABAD.
DATE : 03.08.2022.

(V.D. DONGRE)
MEMBER (J)