

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

ORIGINAL APPLICATION NO. 646 OF 2023

DISTRICT : BEED

Sahebrao s/o Namdeo Shewale,)
Age : 59 years, Occu. : Retired Dist. Supdt. L.R.)
R/o : Saudane, Tq. Malegaon, Dist. Nashik.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through Secretary,)
Revenue Department,)
Mantralaya, Mumbai.)
2. **Dy. Director of Land Record,**)
Aurangabad Region, Damadi Mahal,)
Aurangabad.)
3. **District Supdt of Land Record,**)
Govt. Buildings, Chandmari Vasahat,)
Dhanora Road, Beed.)
4. **District Supdt of Land Record,**)
Nanded.)... **RESPONDENTS**

APPEARANCE : Shri Vivek Bhavthankar, Counsel for
Applicant.

: Shri I.S. Thorat, Presenting Officer for
respondent authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

DATE : **09.01.2024**

O R A L - O R D E R

1. Heard Shri Vivek Bhavthankar, learned counsel appearing for the applicant and Shri I.S. Thorat, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of parties at the admission stage.

3. The applicant has approached this Tribunal by filing the present Original Application seeking direction to the respondents to pay the provisional pension, as well as pensionary benefits like G.P.F., Gratuity, Leave Encashment, GIS etc. within time.

4. Learned counsel for the applicant submits that the applicant was appointed as Measurer in the office of Addl. District Superintendent of Land Record at Ahmednagar. He was promoted and transferred on 01.10.1994 in the office of Taluka Inspector of Land Record at Akole in Ahmednagar District as Parikshak Bhumapan and on 01.06.1999 he was transferred as Nimnatdar in the office of TILR at Chandwad, District Nashik. It appears that thereafter the applicant was transferred at various places and finally on 18.05.2011 he was transferred with promotion as Dy. Superintend of Land Record in the office Dy. Superintendent of Land Record at Majalgaon in Beed district. According to the applicant, during the period from 07.06.2013 to 30.06.2013, he went on leave with prior permission of the higher authority, however during that leave period he was transferred

from Majlgaon, Dist. Beed to Dharmabad, Dist. Nanded. According the applicant he could not join at Dharmabad due to serious illness of his mother.

5. On 01.12.2019, the applicant has filed representation to the District Superintendent of Land Record, Beed about illness of his mother and leave obtained by him and the applicant has also sought withdrawal of his GPF.

6. Learned counsel further submitted that around the year 2016, the Departmental Enquiry was initiated against the applicant and the applicant has also participated in the said enquiry on account of his absentism on duty without prior permission or without leave.

7. The Enquiry Officer has submitted the report on 13.06.2016, wherein it is stated that two charges were proved against the applicant and also recommended interim punishment of 33% deduction from monthly pension of the applicant. The applicant was called upon by the department to submit his explanation to the said interim recommendation and the applicant has also submitted his explanation on 17.04.2023. Meanwhile, the applicant came to be retired on 31.05.2022. The applicant has therefore, seeking direction to the respondents to

pay the provisional pension, as well as, pensionary benefits to him by filing the present Original Application.

8. Learned Presenting Officer submits that the answering respondent Nos. 2 and 3 are ready to release the admissible benefits to the applicant as per the Rules and regulations. Learned P.O. in this regard has also pointed out the order dated 22.02.2023 (page No. 61 of the paper book), wherein it is stated that at present the applicant is not entitled for the gratuity and other benefits. Learned P.O. submits that only due to non-creation of Sevarth Id, the admissible pensionary benefits are not paid to the applicant. Learned counsel for the applicant at this stage submitted that the applicant is ready to co-operate the authorities for creation of Sevarth Id. In view of the aforesaid submissions, para Nos. 7 and 8 of the affidavit in reply filed on behalf of respondent Nos. 2 and 3 are reproduced herein below:-

“07. As regards to the contents of Para No. 6 (x to xvi) of the Original Application, I say and submit that on 10.01.2023 Memorandum issued to the applicant by department and pursuant thereto departmental enquiry is pending against the applicant. Thereafter, on 22.02.2023 District Superintendent of Land Record Beed forwarded Service Book of applicant to office of District superintendent of Land Record Nanded. Thereafter, office of District Superintendent of Land Record Nanded forwarded letter dated 24.04.2023 to District Superintendent of Land Record Beed thereby informed that the applicant neither joined on his transferred post at Dharmabad and nor submitted any leave application till his retirement date 31.05.2022 as well as returned Original Service Book of applicant. Thereafter, on

28.08.2023 Deputy Superintendent of Land Record Dharmabad addressed letter to District Superintendent of Land Record Nanded stating as applicant not joined duties till his retirement therefore his name is not attached to Sevarth Id and so it is very difficult to release pension and other benefits of applicant and thereby requested to request District Treasury Officer for inclusion of applicant's name in Sevarth Id. Accordingly, District Superintendent of Land Record Nanded issued request letter to District Treasury Officer Nanded for inclusion of applicant's name in Sevarth Id on the establishment of Deputy Superintendent of Land Record Dharmabad Tq. Dhaermabad Dist. Nanded. Hereto annexed and marked as **ANNEXURE R-1 Collectively** are the copies of letter dated 22.02.2023, 24.04.2023 and 28.08.2023 for kind perusal of this Hon'ble Tribunal.

08. I most respectfully say and submit that, as stated in above paragraph the office has persuaded the matter by issuing request letter to District Treasury Officer, Nanded and on receipt of attachment of applicant's name in Sevarth Id from District Treasury Officer Nanded the answering respondents are ready to release admissible benefits to applicant as per Rules and Regulations. Therefore, in view of these facts and circumstances mentioned hereinabove, present Original Application filed by applicant is deserves to be dismissed.”

9. In view of above, since the respondents are ready to release the admissible benefits to the applicant, the purpose of filing of the present Original Application is over. The applicant is merely praying for grant of provisional pension, whereas the respondent authorities are ready to pay all the admissible benefits as per the Rules and regulations. In view of the same, nothing survives for further consideration in the present Original Application.

10. In view of above, the respondent authorities are hereby directed to release the admissible pensionary benefits to

the applicant within a period of two months from the date of this order, subject to co-operation from the applicant for creation of Sevarth Id. The Original Application is accordingly disposed of. No order as to costs.

PLACE : Aurangabad.

DATE : 09.01.2024

(Justice V.K. Jadhav)

Member (J)

KPB S.B. O.A. No. 646 of 2023 VKJ Provisional pension and Pensionary benefits