

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 763 OF 2023**

**District:- Aurangabad**

**Angad S/o Tukaram Navatakke,**  
Age-68 years, Occu. Retired as Deputy  
Engineer, from the office of Public  
Works Department, Parbhani,  
R/o. Plot No. 11, Sector C-1,  
Town Centre, Behind CIDCO Bus  
Stand, Aurangabad  
Dist. Aurangabad.

.. **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,**  
Through its Secretary,  
Public Works Department,  
Mantralaya, Mumbai-32.
2. **The Chief Engineer,**  
Public Works Department,  
Region Nanded,  
Bandhkam Bhawan, Sneh Nagar,  
Nanded, Dist. Nanded-431602.
3. The Superintending Engineer,  
Public Works Department,  
Region Nanded,  
Bandhkam Bhawan, Sneh Nagar,  
Nanded, Dist. Nanded-431602.
4. The Executive Engineer,  
Public Works Department,  
Parbhani,  
District Parbhani 431 401

.. **RESPONDENTS.**

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APPEARANCE : Shri A.D. Gadekar, learned counsel for  
the applicant.

: Shri A.P. Basarkar, learned Presenting  
Officer for the respondent authorities.

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**CORAM : JUSTICE SHRI V.K. JADHAV, MEMBER (J)**

**DATE : 26.03.2024**

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**ORAL ORDER**

(Per : Justice Shri V.K. Jadhav, Member (J))

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. By consent this Original Application can be disposed of by giving directions to the respondent authorities to decide the proposal submitted by respondent no. 3 to respondent no. 1 in connection with the pension proposal of the applicant.

3. Learned counsel for the applicant submits that the applicant came to be retired on 31.7.2013 as Deputy Engineer from the office of respondent no. 4. The applicant was subjected to two departmental enquiries during his service tenure and those were concluded in the year 2015 and 2019 respectively. So far as first departmental enquiry concluded in the year 2015 is concerned, the applicant came to be exonerated and so far as the second enquiry is concerned, which is concluded in the year 2019, the punishment was

imposed on the applicant to the effect that 12% amount shall be deducted from his monthly pension for the period of one year. The applicant has accepted the said punishment and has not challenged the same. However, till this date even though respondent No. 3 has submitted proposal for grant of pension and other pensionary benefits to respondent No.1 on 02.06.2023, the same is yet not decided. Learned Counsel submits that the applicant is only getting provisional pension so far. Learned Counsel for the applicant has pointed out that, even the said amount of 12% as per the punishment inflicted on the applicant in the second enquiry has been recovered from the applicant by communication dated 26-04-2021 (Annexure A-3, page 28). Learned Counsel submits that respondent no.1 may be directed to decide the said proposal dated 02-06-2023 submitted by respondent no.3 in this regard in time bound manner.

4. Learned Presenting Officer submits that directions may be given to decide the said proposal dated 02-06-2023, however, respondent no.1 may be granted liberty to decide the said proposal on its own merits.

5. In view of the submissions as above, there is no obstacle as such in disposing of the Original Application by giving

suitable directions to respondent no.1 in this regard. Hence, the following order:

**ORDER**

[i] O.A. is partly allowed.

[ii] Respondent no.1 is hereby directed to decide the proposal dated 02-06-2023 submitted by respondent no.3 with regard to the pension and pensionary benefits of the applicant as expeditiously as possible and preferably within a period of 3 months, on its own merits.

[iii] Needless to state that, the applicant would be at liberty to approach this Tribunal, in case, any adverse order is passed against him.

[iv] Accordingly, the O.A. stands disposed of, however, without any order as to costs.

**MEMBER (J)**