

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 901/2009

Nagorao s/o Tillusaoji Khapre,
Aged about 63 years
Occupation : Retired Government Servant,
R/o 541, Paramatma Bhawan,
Rambhaji Road, Panchapaoli,
(Timki), Nagpur - 18.

Applicant

- **Versus** -

(1) The State of Maharashtra
Through its Secretary,
Department of Agriculture,
Animal Husbandry, Dairy Development
and Fisheries,
Mantralaya, Mumbai - 32.

(2) The Commissioner,
Dairy Development Department,
Maharashtra State, Mumbai.

Respondents

Shri P. V. Joshi, Advocate holding for Shri. P. C. Marpakwar,
Advocate for the applicant

Smt. M. A. Barabde, P. O. for the respondents

Coram : - The Hon'ble Shri B. Majumdar,
Member(A)

Dated :- February 1, 2013.

ORAL ORDER

Heard Shri. P. V. Joshi, Advocate holding for Shri. P. C. Marpakwar, learned counsel for the applicant and Smt. M. A. Barabde, learned P.O. for the respondents.

2. The applicant, a District Dairy Development Officer who has since retired, was placed under suspension in an alleged case of corruption in 1992. He came to be acquitted of the criminal charges by an order dated 30-12-1999 in the Court of the Special Judge for Prevention of Corruption Act at Sangli. Thereafter, he came to be reinstated on 22-1-2001. Thus, the applicant was under suspension from 27-11-1992 to 22-1-2001. Vide order dated 8-10-2004, the Government in the Department of Agriculture, Animal Husbandry, Fisheries and Dairy Development decided to treat the period of suspension from 27-11-1992 to 22-1-2001 as on duty only for the purpose of pensionary benefits and the said period was treated as under suspension for all other purposes including that of payment of pay and allowances during that period. The applicant on 20-10-2004, submitted a representation against the above order before the Government. He retired on 30-11-2004. On 21-2-2005, the Government informed the applicant *inter alia*, that action under Rule 72^{of} Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and

Removal) Rules, 1981 for treating the period of suspension is under its consideration. On 10-7-2009, the applicant made another representation addressed to the Hon'ble Chief Minister.

3. From the reply filed by the Government (R-1), it is seen that the applicant's representation dated 20-10-2004 is still pending. Thus, from the records and the facts as admitted by the respondents, it is clear that the applicant's appeal against the order dated 8-10-2004 has been pending for the last almost nine years.

4. Shri. P. V. Joshi, Advocate holding for Shri. P. C. Marpakwar, learned counsel for the applicant candidly submitted that the cause of justice would be served if the respondents are directed to dispose of the said representation within a reasonable time and liberty is granted to the applicant to approach the Tribunal if the applicant felt aggrieved with any order passed by the respondents in this behalf. Hence, the O.A. is disposed of in terms of the following directions.

- (a) The O.A. is partly allowed.
- (b) The respondents are directed to decide the appeals dated 20-10-2004 and 10-7-2009 made by the applicant in response to the order dated 8-10-2004

and also to take consequential action as per the Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 within three months from the date of receipt of this order.

- (c) The applicant is at liberty to approach this Tribunal in case he is aggrieved with any order passed consequent to the directions issued by this Tribunal.
- (d) There are no orders as to cost.

sd/-

(B. M. Jundar)
Member(A)

ayw/-