

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.102/2015. (S.B.)

Devendra Baburao Neware,
Aged about 51 years,
Occ. Service as a Subhedar,
District Civil Prison, Buldhana.
C/o Jail Superintendent,
District Civil Prison, Buldhana.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. The Dy. Inspector General of Police and
Dy. Inspector General of Prisons,
Eastern Region, Nagpur.
3. The Jail Superintendent,
Nagpur Central Prison, Nagpur.
4. The Jail Superintendent,
Buldhana Central Prison, Buldhana.

Respondents.

Shri G.K. Iyer, the Ld. Advocate for the applicant.
Shri A.M. Ghogre, Ld. P.O. for the respondents.

Coram:- Shri J.D. Kulkarni,
Vice-Chairman (Judicial)

ORAL ORDER

(Passed on this 22nd day of November 2018.)

Heard Shri G.K. Iyer, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant who was Head Constable, was promoted to the post of Subhedar and was transferred to Buldhana Civil Prison from Nagpur. He was accordingly relieved from the post on 1.6.2012. It is, however, stated that he did not vacate the quarter at Nagpur. He ultimately vacated the premises on 24.5.2013.

3. The respondents have served a notice as per Annexure A-2 dated 7/14th August 2014 to the applicant and claimed rent for illegal occupation of quarter, amounting to Rs.2,84,318/-. The amount has been paid as under:-

कालावधी	विवरण	दर	एकूण रक्कम
दि. ४.६.२०१२ ते ३.९.२०१२	सवलत दर	अनुज्ञपती शुल्क दराने २६० x ३ महिने.	७८०.००
दि. ४.९.२०१२ ते ३०.४.२०१३	दंडनीय दराने (५०/- प्र.चौ.फुट)	दंडनीय दराने रु. ५०/-x ७०९ चौ. फुट. x ०८ महिने.	२,८३,६००.००
		एकूण	२,८४,३८०.००

4. The Ld. counsel for the applicant submits that time and again the applicant has requested the authorities to allow him to occupy the quarter, since his son was taking education in 10th standard and his daughter was taking education in 12th standard and, therefore, he requested that he may be allowed to retain at the quarter for six months. He also did not occupy the quarter at Buldhana nor claimed house rent allowance. However, his request was not considered. The learned P.O. invited my attention to one communication at Annexure A-9, page 31, from which it seems that the applicant was directed to submit documents regarding education of his son and daughter. It is stated that the said documents were not supplied to the applicant. However, in the said letter (Annexure A-9), the Superintendent of District Prison, Buldhana was also requested to take into consideration as to whether the applicant has retained the quarter at Buldhana and has claimed rent or not. However, finally the applicant has been directed to pay the rent as per market rate as per various G.Rs in the field. The Ld. counsel for the applicant submits that in the similar circumstances, 9 months' period was granted to retain the quarter to one Shri Chandrakant Narayan Waghole. The order in this regard is placed on record at page No.54. The applicant has also placed on record the documents

to show that his daughter appeared in HSC examination in October 2012 whereas his son appeared for SSC examination in the month of March, 2013. Considering this aspect, the applicant should have been granted extension of quarter but the said issue has not been considered with a proper perspective.

5. The learned P.O. submits that the applicant has filed representation before the Additional Director General of Police and the Inspector General of Prisons (M.S.), Pune dated 8.5.2018. Copy of which is marked "X" for the purpose of identification. It is stated that the said representation is under consideration. The Ld. counsel for the applicant agrees that the application can be disposed of, if the representation dated 8.5.2018 filed by the applicant can be considered with a proper perspective. In view thereof, I proceed to pass the following order:-

ORDER

- (i) The O.A. stands disposed of with a direction to the Additional Director General of Police and the Inspector General of Prisons (M.S.), Pune to take into consideration various aspects of the applicant's request and also considering the fact that the applicant's daughter was taking education in 12th

standard and his son was taking education in 10th standard at the time of transfer of the applicant, so also considering the facts that are mentioned in the representation.

- (ii) A decision in this regard shall be taken within a period of one month from the date of this order and the same shall be communicated to the applicant in writing.
- (iii) The applicant will be at liberty to challenge the communication, if it goes against him.
- (iv) No order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

Dt. 22.11.2018.

pdg.

