

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/291 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 25 JAN 2016

ORIGINAL APPLICATION NO. 196 OF 2015.

- 1 Shri. Dharmaraj J. Jopale,
R/at. Plot No. 12, Amruta-Chaitali Park, 60 Feet Road, Pawan Nagar, Navin
Nashik, Dist. Nashik.

.....**APPLICANT/S.**

VERSUS

- 1 The Commissioner, Tribal Development, M.S., Adivasi Vikas Bhavan, Tryambak Naka, Gadkari Chowk, Old Agra Road, Nashik-22.
- 2 The Project officer, Integrated Tribal Development Project, Nandurbar, Dist. Nandurbar.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 19th day of **January, 2016** has made the following order:-

APPEARANCE : Ms. S.P. Manchekar, Advocate for the Applicant.
Shri. K.B. Bhise, P.O. for the the Respondents.

CORAM : **HON'BLE JUSTICE SHRI M.N. GILANI, MEMBER (J).**

DATE : **19.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Sachin
22/1/2016

**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

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(G.P.) 12260(B) (50,000-2-2015)

(Spl. MATR-2 E)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Writ Application No. _____ of 20__

IN

Original Application No. _____ of 20__

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.196/2015

Heard Ms. S.P. Manchekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned P.O. for the respondents.

The Applicant was appointed as Senior Clerk on 21.3.1983 on the Establishment of Respondent No.1. He attained the age of superannuation on 31.5.2012. Till the date of filing of this OA, he was deprived of gratuity, pension and other retiral benefits and therefore he filed this OA.

The learned P.O. states that the Accountant General has sanctioned pension case of the Applicant. Whatever may be the developments, the law is clear on this point. Under Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982, Gratuity, Regular Pension can be withheld, if departmental or judicial proceedings are pending against the Government servant. In the present case, although there was no clean chit to the Applicant in the matter of furnishing accounts of distribution of pipes and pumps, fact remains that neither departmental nor judicial proceedings either before retirement or till date have been instituted against the Applicant. In that view of the matter, the question of delaying the payment of gratuity and pension did never arise.

The OA stands disposed of with a direction to the Respondents to ensure the payment of gratuity, pension and all

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retiral benefits due to the Applicant within three months from the date of passing of this order. It is made clear that in terms of Rule 129-A and 129-B, the Applicant shall be at liberty to submit representation for grant of interest on delayed payment of gratuity and pension if, the delay is attributable to administrative lapse.

No order as to costs.

DATE: 19/1/16

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M.N. Gilani (Member) A-J

APPEARANCE:

S.P. Manchekar

Asstt. Secy. to Govt.

Shri K.B. Bhalis
C.D.O / P.O. for the Respondent/s

Adj. To: CA is disposed of
no order as to costs.

BTE

sd/

(M.N. Gilani, J.)
Member (J)
19.01.2016

(skw)

TRUE COPY
Amul
22/1/2016

Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai