

Thakur

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/2914 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : - 9 AUG 2016

ORIGINAL APPLICATION NO. 48 OF 2016.
(Sub :-Recovery)

9 श्री. अनंत विष्णू जोशी,
पत्ता- धनश्री अपार्टमेंट, ब्लॉक नं. ६, दुसरा मजला, मंडलिक पथ, हनुमान आळी, ता. पेण,
जि. रायगड.

अर्जदार.....

विरुद्ध

9 जिल्हाधिकारी रायगड, मु.पो.ता. अलिबाग, २ संचालक, लेखा व कोषागारे, महाराष्ट्र शासन
जि. रायगड. फ्री प्रेस जर्नल मार्ग, मुंबई- ४०० ०२९.
३ तहसीलदार, मुख्यालय पोलादपूर,
ता. पोलादपूर, जि. रायगड.

प्रतिवादी.....

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 05th day of **August, 2016** has made the following order:-*

APPEARANCE : Shri. C.T. Chandratre, Advocate amicus Curie along with Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**

DATE : **05.08.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Amal
9/8/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

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(G.C.P.) J 2260(B) (50,000—2-2015)

(Spl. MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

M.A./R.A./C.A. 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

05.08.2016

O.A No 48/2016 (Suo moto)

Shri A.V Joshi ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Shri C.T Chandratre, learned advocate as amicus curie along with Applicant, who is present in this Tribunal and he is also heard and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

The Applicant retired voluntarily from the post of Naib Tahsildar in Raigad District on 23.6.2001. He states that there was delay in sanctioning him regular pension which was ultimately sanctioned on 1st April, 2003. Later on the arrears of pension was paid to him. But he is claiming that 1/3rd Commutation of Pension has been effected from 1.4.2003, though it should have been calculated from the actual date of his retirement, which was 23.6.2001. If that date was considered the multiplication factor would have been higher than what was actually considered while sanctioning commutation of pension.

Commutation of Pension is the net present value of the pension surrendered for next 15 years. The age acquires lot of importance in calculating net present value of the pension which is foregone for the next 15 years and the same factor cannot be applied disregarding the age when commutation is sanctioned. Another fact which has to be considered is that the Applicant received full pension from the date on which he actually retired and on the date of commutation of pension. As such, his claim is not justifiable in any way. At the most, if it is permissible, the applicant can claim interest on delayed payment of pension and gratuity which

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

Tribunal's orders

DATE: 5/8/16

CORAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice - Chairman)

~~Hon'ble Shri R. B. MALIK (Member)~~

APPEARANCE:

Shri/Smt. C.T. Chandrabha
Amicus curiae with Applicant.
Advocate for the Applicant

Shri/Smt. K. S. Gaikwad

C.P.O.T.F.O. for the Respondents

O.A. is disposed of.

Adj. W.

can be examined by the Respondents considering all the relevant facts including the delay, if any.

Having regard to the aforesaid facts and circumstances of the case, I do not find any merit in the application of the Applicant, which was treated as ^{Suo Moto} by this Tribunal. The ^{Suo Moto} Original Application is disposed of accordingly with no order as to costs.

R. Sd/
(Rajiv Agarwal)
Vice-Chairman

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TRUE COPY

Aravind
9/8/2016
Asstt. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai.