

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 631 of 2019 (S.B.)

Hariram S/o Manuji Madavi,
Aged 60 years, Occupation : Retired Officer,
R/o Plot No.3, Diwan Layout,
Near Yogi Atta Chakki, Besa Road,
Manewada, Nagpur-34.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Tribal Development, M.S.,
Old Agra Road, Gadkari Chowk, Nashik-2.
- 3) The Additional Commissioner,
Tribal Development "Adivasi Vikas Bhavan",
Giripeth, Nagpur-10.
- 4) The Additional Commissioner,
Tribal Development,
Gadkari Chowk, Nashik-2.

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 10/08/2022.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicant
and Shri A.P. Potnis, learned P.O. for the respondents.

2. The applicant has filed this O.A. to declare him that he has attained permanency in service w.e.f. 18/04/2008 and direct the respondents to release the regular pension etc.

3. During the pendency of the O.A., the departmental inquiry is concluded. The applicant is getting provisional pension.

4. Heard the learned counsel for applicant Shri R.M. Fating. He has filed Pursis along with documents. It is taken on record and marked Exh-X for identification. As per his submission, departmental inquiry is completed and proposal is forwarded by respondent no.4 to respondent no.1 requesting to give the continuity of service to the applicant. The query was made by respondent no.1 to respondent no.4 directing as to whether the applicant had obtained the permission to appear in the MPSC examination. The query was replied by the applicant. He has stated in his reply dated 6/5/2022 stating that he had applied for permission on 14/02/2005. As per the submission of learned counsel for applicant, if permission is not granted within 30 days, it is deemed to be granted.

5. Heard learned P.O. Shri A.P. Potnis. He has pointed out the Government order dated 17/06/2021.

6. There is no dispute that the departmental inquiry is already completed. The applicant is getting provisional pension. Now only

issue is about as to whether the applicant is entitled for continuity of service. The applicant has replied by letter dated 06/05/2022 addressed to the Additional Commissioner, Tribal Development Department, Nashik-2.

7. Hence, the respondents are directed to decide the continuity of service of applicant as per proposal made by respondent no.4 to respondent no.1 dated 04/10/2021 within a period of three months from the date of receipt of this order.

8. With this direction, the O.A. is disposed off. No order as to costs.

Dated :- 10/08/2022.

(Justice M.G. Giratkar)
Vice Chairman.

*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 10/08/2022.

Uploaded on : 11/08/2022.

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