

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI**

**ORIGINAL APPLICATION NO. 647 OF 2015**

**DISTRICT :PUNE**

Shri Hanumant Abaji Ishte, )  
Aged 51 Yrs, Working as Social )  
Welfare Inspector, )  
Social Welfare Department, )  
Zilla Parishad, Sangli, )  
R/O. 1414, Sadashiv Peth, )  
Near Renuka Swarup High School, )  
Pune - 30. )  
Address For Service of Notice:- )  
R/O. 1414, Sadashiv Peth, )  
Near Renuka Swarup High School, )  
Pune - 30. )  
**)...Applicant**

**VERSUS**

- 1) The Commissioner for )  
Social Welfare, [M.S.], Pune, )  
Having Office at 3, )  
Church Road, Pune-1. )
- 2) The District Solider Welfare )  
Officer, Zilla Parishad, )  
Sangli. )
- 3) The State of Maharashtra, )  
Through Principal Secretary, )  
Social Justice and Special )

24

Assistance Department, )  
Having Office at Mantralaya, )  
Mumbai - 400 032. )....**Respondents**

Shri A.V. Bandiwadekar, learned Advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal, Vice-Chairman**

**DATE : 29.032016**

**ORDER**

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant seeking yearly increments from 1.1.2002 and also arrears of pay and allowances for the months of January, 2011 and February, 2011 and pay fixation as per sixth pay commission as per G.R. dated 29.4.2009.

3. Learned Counsel for the Applicant argued that the Applicant has not been paid annual increments from 1.1.2002. His pay has not fixed as per sixth pay commission and his salary for the months for January, 2011 and February, 2011 was not paid. Learned Counsel for the Applicant argued that the Applicant had made a representation to the Respondent No.1 on 30.1.2015.



However, no decision has been taken by the Respondents on the Applicant's representation nor so far, any dues have been paid to him.

4. Learned Chief Presenting Officer (C.P.O.) argued on behalf of the Respondents that the Applicant was posted to Satara Zilla Parishad on 1.4.2001. During his tenure at Satara Zilla Parishad, he was absent from duty, and the period of his absence has not been regularised. As a result, some dues of the Applicant remained to be paid. Learned C.P.O. stated that the District Social Welfare Officer, Z.P. Sangli has worked out the arrears from January 2004 to July 2013 amounting to Rs.12,38,835/- and has sought budget provision from the Deputy Director of Social Welfare, Pune by letter dated 16.11.2015. As soon as the funds are received, the Applicant's dues will be cleared.

5. It is seen that the Applicant was working in Zilla Parishad, Satara from 1.4.2001. He admits that he proceeded on medical leave, though in the leave application no mention was there about the period of leave. He was also under suspension for unauthorised absence. The Applicant was under suspension from 29.12.2001 to 30.12.2002. Further details are not given in O.A. except that on 6.6.2006, he joined the office of Assistant Commissioner on 6.6.2006. It is presumed that he was working in Z.P. Satara till then. It appears that his arrears of pay have now been worked out and the Respondent no.2 has sought funds from Regional

Deputy Director of Social Welfare, Pune by letter dated 16.11.2015. In paragraph no.24 and 24.1 of the affidavit-in-reply dated 3.12.2015 the Respondents have stated that:-

“24. With reference to para 6.12, I say that the Assistant Commissioner Social Welfare, Pune vide letter dated 26/10/2015 submitted to Respondent no.2, the Last Drawn Certificate of the Applicant. Accordingly the Respondent No.2 has prepared the Pay Bills (वेतन देयके) of the Applicant, Before disbursing the said amount of dues, it is necessary to obtained the sanction of the General Body of Z.P. as the said dues of the Applicant are more than to 3 years old. Respondent no.2 has obtained sanction of the General Body of Z.P. Sangli.

24.1 I say that the Respondent No.2 vide letter dated 10/11/2012 has made correspondence with the Regional Dy. Commissioner Social Welfare, Pune to release the necessary grant for payment of the Legal pending dues of the Applicant. After receiving the grant, Respondent No.2 shall clear all the legal pending dues to the Applicant.”

It is seen that the Respondents have undertaken to clear that dues of the Applicant as soon as budgetary allocations are received. This O.A. is disposed of with the directions to the Respondents to clear all the legitimate dues of the Applicant within a period of three months from the date of this order. There will be order as to costs.

Sd/-

**(RAJIV AGARWAL)**  
**(VICE-CHAIRMAN)**

**Date : 29.03.2016**

**Place : Mumbai**

**Dictation taken by : SBA**

*D:\savita\2016\March, 2016\O.A.No.647 of 2015 Vc & MJ Yearly Increments.doc*