

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI, BENCH NAGPUR**

**ORIGINAL APPLICATION NO 723 OF 2016**

**DISTRICT : NAGPUR**

Shri Dilip Ramdas Bhandakkar, )  
Occ : Service, R/o: Plot no. 48, )  
303, Ganesh Nagar Nandanvan, )  
Nagpur. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Department of Water Resource )  
Development, Mantralaya, )  
Mumbai 400 032. )
2. The Superintending Engineer )  
and Administration, )  
Command Area Development )  
Authority, Ajni, Nagpur. )...**Respondents**

Shri N.S Agrawal, learned advocate for the Applicant.

Shri H.K Pande, learned Presenting Officer for the Respondents.

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**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 10.03.2017**


**ORDER**

1. Heard Shri N.S Agrawal, learned advocate for the Applicant and Shri H.K Pande, learned Presenting Officer for the Respondents
2. This Original Application is filed by the Applicant seeking payment of Rs. 14,67,637/- along with Rs. 2,00,000/- for the death of the mother of the Applicant for want of payment of subsistence allowance to him during the period he was under suspension.
3. Learned Counsel for the Applicant argued that the Applicant was placed under suspension by order dated 30.9.1998 pending a Departmental Enquiry against him by the Respondent no. 2. By order dated 18.9.2000 Respondent no. 2, imposed penalty of stoppage of one increment for one year upon the Applicant and his suspension came to an end. The Applicant was not paid full subsistence allowance during the period of suspension as a result, the Applicant's mother died as the Applicant could not sustain her. The Applicant is, therefore, eligible to get arrears and interest

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amounting to Rs. 14,67,633/- from the Respondents. Also, the Respondents should pay him Rs. 2,00,000/- for the death of his mother.

4. Learned Presenting Officer argued that a bare perusal of the Original Application makes it clear that the reliefs sought by the Applicant in the prayer clause are not consistent with the pleadings in the Original Application. How the amount of Rs. 14,67,633/- has been calculated and the rate of interest is nowhere mentioned in the Original Application. In fact, the Applicant was placed under suspension during the period 30.9.1998 to 18.9.2000. During this period, for first three months he was paid subsistence allowance @ 59% of the salary and allowances and @ 75% thereafter. The period of suspension has also been regularized by order dated 28.12.2016, (Annexure R-6, page 80). The bill of arrears of Rs. 93,816/- is prepared and it is being submitted for payment on 6.3.2016. The Applicant had earlier challenged the order dated 18.9.2000 imposing penalty of stoppage of one increment for one year by filing complaint in the Industrial Court at Nagpur. The same came to be dismissed by order dated 12.7.2006. Learned Presenting Officer stated that there is absolutely no merit in the Original Application and it had in fact amounts to abuse of process of law.



5. It is seen that Applicant is claiming Rs.14,67,633/- inclusive of interest from the Respondents as arrears of subsistence allowance and also Rs. 2,00,000/- for the death of her mother. No calculations have been appended in the Original Application. It is not clear on what basis this amount is worked out. The Respondents have stated in their affidavit in reply dated 7.2.2017 in para 4 that the Applicant was under suspension from 30.9.1998 to 18.9.2000 and during this period he was paid 50% salary and allowance during first three months and 75% salary and allowance after three months. In the affidavit in rejoinder there is no effective denial of this fact. The Applicant was punished by imposing penalty of stoppage of one increment for one year. It is presumed that he must have joined duties thereafter. In any case, there was no further order preventing him from joining duties. Except the difference between full salary and allowances during the period of suspension and the amount of subsistence allowance paid to the Applicant, there is no amount which was not paid to the Applicant. No reliance can be placed on the so-called calculation of the amount done by the Applicant worked out by him in the affidavit in rejoinder. It is very unfortunate that the Applicant's mother probably died during the period of his suspension. However, how the Respondents can be held responsible for that if the Applicant was paid his subsistence allowance as per rules is not clear.

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6. On the basis of material on record, I do not find any basis to the claim of the Applicant that he is entitled to get Rs. 14,67,633/- plus Rs. 2,00,000/- for the death of the mother of the Applicant from the Respondents. This Original Application is accordingly dismissed with no order as to costs.

sd/-

**(Rajiv Agarwal )  
Vice-Chairman**

**Place : Mumbai Nagpur**  
**Date : 10.03.2017**  
**Dictation taken by : A.K. Nair.**