

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.76/2017.**

Chandralekha Rupsingh Pusam,  
(Maiden name Chandralekha wd/o  
late Motiramji Kangale),  
Aged about 64 yrs.,  
Occ-Retired,  
R/o Plot No.48, Ujjwal Society, Near Gorde Layout,  
Jaitala Road, Nagpur-22.

**Applicant**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Social Justice and  
Special Assistance,  
Mantralaya, Mumbai-440 032.
- 2) The Commissioner of Social Welfare,  
3, Church Road, Pune.
- 3) The Regional Deputy Commissioner of Social Welfare,  
Opp. I.T.I., South Ambazari Road,  
Nagpur.
- 4) The Assistant Commissioner of Social Welfare,  
Opp. I.T.I., South Ambazari Road,  
Nagpur.

**Respondents**

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Shri P.D. Meghe, the Ld. Counsel for the applicant.  
Shri P.N. Warjekar, learned P.O. for the respondents.

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**Coram:- Hon'ble Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

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**ORAL ORDER IN OPEN COURT**

**(Delivered on this 2<sup>nd</sup> day of August 2017.)**

Heard Shri P.D. Meghe, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The learned P.O. has filed affidavit in reply on behalf of respondent Nos. 1 to 4, the same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

3. The applicant in this case was serving as House Master (Class-II). He was holding the charge of Hostel Warden. The applicant Chandralekha is working in the hostel which is situated at South Ambazari Road, Nagpur. In 2006, she was holding the post of House Master and also having additional charge of Rajnagar Hostel. During the said period, the hostel was inspected by the Secretary, Govt. of Maharashtra and on the basis of said visit, the applicant was alleged to have been committed some irregularities for which the chargesheet has been served on her on 2.3.2010. It is material to note that, the applicant got retired on superannuation on 31.7.2010 i.e. just after four months of service of chargesheet. In all nine charges were framed against the applicant. Out of which, one was said to be proved partly and one was fully proved. The charges framed are as under:-

दोषारोप बाब १:- मीमती सी.आर. पुसाम, गृहमुख (मलंबत) संत चोखामेळा मुलांचे शासकाय वसतगृह, नागपूर यांचे कताय

कालावधीत मा. मंणी, सामाजिक ंयाय षभाग, म. रा. मुंबई यांचे ढ.११.९.२००६ रोजीचे वसतगृह भेट दरयान षनापरवानगी गैरहजर होया.

**दोषारोप बाब २:-** मा. मंणी महोदयांनी भेट देयाया १५ ढवस पूवभासून वसतगृहाचा षयुत पुरवठा खंडित होता.

**दोषारोप बाब ३:-** वसतगृहातील साफसफाई-शौचालय दुगधीयुत होते.

**दोषारोप बाब ४:-** वसतगृहातील ंवयंपाकगृहात सव अवच्छता आढळून आल व खरकटे (वेटेज भोजन) षखुरलेले होते.

**दोषारोप बाब ५:-** मा. णी. सुमत मलक, मा. सधव, यांनी वसतगृहास भेट ढल असता वसतगृह पसररात गाजर गावत तीन ते चार फुट वाढलेले होते. संपूणपसर अवच्छ होता.

**दोषारोप बाब ६:-** गृमुख या नायाने ंयांनी उपलध शासन ंनवासाचा वापर करणे आवयक असतांना सुधा ंयांनी वसतगृह पसररातील उपलध शासन ंनवासथानी न राहणे.

**दोषारोप बाब ७:-** वसतगृह पसररातील षयाया पायाया टाया अवच्छ असणे.

**दोषारोप बाब ८:-** ढ. २०.९.२००६ रोजी एकूण ४२ ंवेशत षयायाली केले या वा ढ ंनवेदनाचे अनुषंगाने चौकशीत चौकशी सभतीला तार व चौकशी एकूण ८ मुय्यात तय आढळून आले.

**दोषारोप बाब ९:-** वसतगृहातील तणाव कमी झायानंतर णीमती पुसाम यांना पुनचः पदथापना ढयानंतर सदरहू आदेशाची अंमलबजावणी न करणे, वारंवार लेखी कळवून सुधा ंजू न होणे."

4. The learned counsel for the applicant submits that the chargesheet was served in the month of March 2010. Enquiry Officer was appointed in December 2010 and the enquiry is completed in 2014. A show cause notice has been served on the applicant on

21.7.2016. Copy of which is placed on record at page No.87 of the O.A. It is material to note that, in the said notice it has been mentioned that all the charges have been proved which prima facie shows the non application of mind. The proposed punishment against the applicant vide said notice is that respondent No.1 is planning to deduct 6% of the pension for one year. Though the applicant has filed his reply to the show cause notice, still till today no action has been taken against the applicant.

5. The learned counsel for the applicant submits that, the retiral benefits of the applicant have not been released, though she got retired in 2010 and she is being provided with provisional pension only.

6. Considering the facts and circumstances referred above, even for the argument sake, it is accepted that the departmental enquiry was pending against the applicant, considering the proposed punishment it was not absolutely justifiable on the part of the respondents to deny pensionary benefits to the applicant. Whether the punishment in the departmental enquiry as per Rule 27 of the M.C.S. (Pension) Rules, 1982 is legal or not is a matter to be considered by the competent authority and the applicant will be at liberty to challenge the said punishment, if inflicted on her, by approaching proper forum.

However, considering the facts and circumstances, I am satisfied that there is absolutely no reason to deny pension and pensionery benefits to the applicant. Nature of enquiry, prima facie shows that the charges are not so grave. At the most, the respondents can withhold the amount which is proposed to be deducted from applicant's pensionery benefits and rest of the amount can be paid to the applicant.

7. In view of the discussion in foregoing paras, following order is passed:-

### **ORDER**

- (i) The O.A. is partly allowed.
- (ii) Respondent No.1 is directed to release regular pension as well as pensionery benefits to the applicant.
- (iii) Respondent No.1 is also directed to take appropriate decision on the proposed punishment on the basis of show cause notice issued to the applicant on 21.7.2016 within three months from the date of this order and the same shall be communicated to the applicant. However, the respondents shall release regular pension and other pensionery benefits to the applicant, except the amount that may be found to be due against the applicant because

of proposed departmental action in the departmental enquiry.

- (iv) The amount shall be paid within two months from the date of this order.
- (v) No order as to costs.

(J.D.Kulkarni)  
Vice-Chairman(J)

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