

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 77/2016.

Prabhakar Ramchandra Kharbade,
Aged about 79 years,
Occupation- Retired,
R/o Plot No.51-A, Kalyaneshwar Nagar,
Near Shiv Mandir, Manewada-Besa Road,
Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Finance,
Mantralaya, Mumbai-32.
2. The Superintendent of Police (Rly.),
Ajni, Nagpur.
3. The Accountant General (A & E)-II, (M.S.),
Civil Lines, Nagpur.
4. The Senior Treasury Officer,
O/o Distt. Treasury, Civil Lines, Nagpur.

Respondents.

Shri A.K. Waghmare, the learned counsel for the applicant.

Shri M.I. Khan, the Ld. P.O. for the respondents.

Coram:- The Hon'ble Shri J.D. Kulkarni,
Member (J)

Judgment

(Delivered on this 27th of October 2016).

Heard Shri A.K. Waghmare, the learned counsel for the
applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant has sought following reliefs in this O.A.:-

(i) This Hon'ble Tribunal be pleased to direct the respondents and more particularly respondent Nos. 3 and 4 to re-fix the basis pension as on 1.1.1996 @ Rs. 2406/-, as on 1.8.2004 @ Rs. 2609/- and also to re-fix the basis pension as on 1.1.2006 @ Rs. 8156/-, as well as consolidated pension as on 1.1.2006 @ Rs. 15,496/-.

(ii) Further be pleased to grant difference of arrears from 1.1.1996 till 30.6.2015 to the tune of Rs. 17,48,320/- as per Annexure A-1 to A-4 of the O.A. alongwith 18% interest.

3. The applicant was appointed by respondent No.2 as Constable in Railway Police on 19.9.1960 and got retired voluntarily on 3.6.1991. The applicant was getting basic pension in 4th Pay Commission at the rate of Rs. 3751/- for the period from 3.6.1991 to 31.12.1995 and thereafter vide G.R. dated 15.11.1999, his pension as re-fixed on 1.1.1996 at Rs. 2356/- instead of Rs. 2406/-. The learned counsel for the applicant, however, admits that this fixation is correct and he is giving up his claim for re-fixation at Rs. 2406/-.

4. Vide G.R. dated 20.7.2004, there was again re-fixation of the basic pay and vide G.R. dated 5.5.2009, consolidated pension was again wrongly fixed at Rs. 5324/- instead of Rs. 15496/-.

According to the applicant, due to wrong fixation of basic pay, the applicant has suffered monetary loss to the tune of Rs. 17,48,320/-.

5. Respondent No.4 Senior Treasury Officer has resisted the claim and justified fixation of pay. Respondent No.3 i.e. Accountant General, Nagpur has submitted in para No.7 of the affidavit in reply that the fixation of pay as per 6th Pay Commission is to be dealt with by the Senior Treasury Officer, Nagpur as per G.R. dated 31.10.2009 and that the Accountant General, Nagpur has no role in the pay fixation.

6. The learned counsel for the applicant submits that the applicant has given a chart in detail as to how pay was wrongly fixed from time to time. However, he admits that the applicant has not filed any representation to the department, making his comprehensive claim for revision of pay. The learned counsel for the applicant submits that the O.A. can be disposed of, if the applicant is allowed to file comprehensive representation and directions are given to the respondent authority to consider his representation within stipulated period. In view thereof, following order is passed:-

ORDER

- (i) O.A. stands disposed of with no order as to costs.

- (ii) The applicant is at liberty to file comprehensive representation making it clear as to how he has been wrongly paid and to which exact pay, he is entitled to claim.
- (iii) The learned counsel for the applicant submits that he will file comprehensive representation within a week.
- (iv) In case such representation is filed, the respondents shall consider such representation on its own merit within a period of three months from the date of receipt of the representation and shall convey the decision taken thereon in writing to the applicant by registered post.
- (v) The applicant will be at liberty to approach this Tribunal, if aggrieved by the decision on such representation.
- (vi) No order as to costs.

(J.D. Kulkarni)
Member (J)