

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 884 of 2020 (S.B.)

Anil S/o Gangadhar Pande,
Aged about 58 years, Occ. Retired,
R/o Amba Jyoti Apartment, NIT Layout,
Plot No.57-D, near SBI, Trimurti Nagar, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Department of
Animal Husbandry and Dairy Development,
Mantralaya, Mumbai-32.
- 2) Dairy Development Commissioner,
Administrative Building, Abdul Gaffar Khan Marg,
Warli, Seaface, Mumbai-400 018.
- 3) Regional Dairy Development Officer,
Telangkhedi Road, Civil Lines, Nagpur.
- 4) District Dairy Development Officer,
Barak No.2 Complex area, near Old RTO Office,
Gadchiroli.

Respondents.

S/ Shri P.D. and S. Meghe, Advocates for the applicant.

Shri S.A. Sainis, P.O. for respondents.

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

Dated :- 02/12/2022.

JUDGMENT

Heard Ms. Aarti Singh, learned counsel holding for Shri P.D. Meghe, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The applicant is now retired on 31/05/2020. The applicant was absent due to Covid, 2019 and lockdown imposed by the Government. He was absent for a period about 73 days. The respondents have not paid the pensionary benefits, therefore, the applicant approached to this Tribunal.

3. The O.A. is opposed by the respondents. It is submitted that the applicant not moved any application for grant of leave and therefore the provisional pension was paid and other retiral benefits are also paid.

4. Heard Shri S.A. Sainis, learned P.O. for the respondents. The learned P.O. has filed communication dated 06/04/2022. It is marked Exh-X for identification. The learned P.O. submits that the applicant had not moved any application for grant of leave and therefore the applicant cannot claim that it was not sanctioned.

5. As per the submission of learned counsel for applicant, the applicant has already applied on 19/03/2022 as per the direction of this Tribunal vide order dated 14/03/2022. But till date the respondents have not decided the leave application.

6. The learned counsel for the applicant Singh has filed the communication regarding direction given by the Regional Dairy Development Officer, Nagpur to the District Dairy Development

Officer, Gadchiroli dated 31/10/2022. It is marked Exh-X1 for identification. She has also filed the copy of leave application dated 19/03/2022. It is marked Exh-X2 for identification.

7. The following order was passed by this Tribunal on 14/03/2022. The Para-6 of the order is reproduced as under –

“6. In view of above, the learned counsel is directed to ask the applicant to submit leave application which were balance to him and the respondents are directed to sanction the leave of applicant between 23/3/2020 to 31/5/2020. If no leave is balance to the applicant, then the respondents are directed to sanction the leave period as without pay but to be considered for all other benefits including retiral/pensionary benefits. After sanctioning the leave, they should move other retiral benefits papers and ensure that the applicant get the retiral benefits at earliest.”

8. Immediately on 19/03/2022 the applicant applied for grant of leave, but it appears that respondent no.4, i.e., the District Dairy Development Officer, Gadchiroli not granted the leave. The complaint was made to the Regional Dairy Development Officer, Nagpur. The Regional Dairy Development Officer, Nagpur on 31/10/2022 directed the respondent no.4 to grant leave, because, it is his jurisdiction, but nothing is placed on record to show that the respondent no.4 granted the leave.

9. In respect of interest, it appears that the applicant not applied before 19/03/2022. The applicant applied to grant leave on 19/03/2022 as per the direction of this Tribunal. Hence, the applicant

is not entitled for any interest. The applicant is entitled for all the pensionary benefits. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to grant leave as per the applicant's application dated 19/03/2022, if leave are in balance, as per the order of this Tribunal on 14/03/2022.
- (iii) The respondents are directed to pay all the pensionary benefits to the applicant within a period of two months from the date of receipt of this order.
- (iv) No order as to costs.

Dated :- 02/12/2022.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 02/12/2022.

Uploaded on : 05/12/2022.