

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 534/2022 (S.B.)**

Shri Chandu Dalpat Chavan,
Aged about 74 years,
Occ. Retired Purchase Officer (Tahasildar Category)
Through R/o Presently Residing at Shri J.U.Mahore's residence,
Sachidanand 29, Gurukrupa Colony,
Near Shankar Nagar,
Chaware Nagar Road, Amravati,
Tq. & Dist. Amravati.

Applicant.

Versus

- 1) District Supply Officer,
Officer of District Collector,
Amravati.
- 2) The Collector,
Officer of District Collector,
Amravati.
- 3) The Divisional Commissioner,
Divisional Commissioner Officer,
Old by pass road, Camp,
Amravati.
- 4) State of Maharashtra,
Through Principal Secretary/
Additional Chief Secretary,
Department of Revenue and Forest,
Government of Maharashtra,
Mantralaya, Mumbai-32.
- 5) State of Maharashtra,
Through Principal Secretary/
Additional Chief Secretary,
Department of Finance,
Government of Maharashtra,

Mantralaya, Mumbai-32.

Respondents

Shri D.M.Totey, Id. Advocate for the applicant.

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

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 08th Feb., 2024.

Judgment is pronounced on 16th Feb., 2024.

Heard Shri D.M.Totey, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. Case of the applicant is as follows. The applicant was working as District Supply Officer, Amravati. From 01.02.1998 till his date of retirement on superannuation i.e. 31.05.2003 he could not attend office because of mental illness. Though, he had served for more than 10 years his pensionary benefits were not released. He made several representations which went unheeded. On 15.02.2018 he submitted application that period of his absence be treated as extraordinary leave on medical grounds (Annexure-P-6). By Communication dated 01.02.2022 (at P.77) respondent no. 3 directed respondent no. 2 as follows.

श्री चव्हाण हे गैरहजर असतांनाच दि. ३१.०५.२००३ रोजी नियतवयोमानानुसार सेवानिवृत्त झालेले आहे. त्यांच्याविरुद्ध प्रलंबित असलेली विभागीय चौकशी निकाली काढण्यात आलेली आहे. त्यांच्या सेवानिवृत्तीचा दिर्घ कालावधी वाहता, तसेच त्यांनी मा. लोक आयुक्त यांच्याकडे सेवानिवृत्तीविषयक लाभ त्वरीत प्रदान करण्याबाबत केलेल्या तक्रार अर्जाच्या अनुषंगाने त्यांना त्यांचे सेवानिवृत्तीविषयक प्रलंबित लाभ तातडीने अदा करणे आवश्यक आहे.

Even thereafter pensionary benefits of the applicant were not released. Hence, this O.A..

3. Para No. 7 of reply of the respondents reads as under:-

It is submitted that, the respondent No. 2 i.e. Collector, Amravati by letter dated 07.04.2018 had made proposal to the Government through the respondent no. 3 i.e. Divisional Commissioner, Amravati Division, Amravati for approval of Extraordinary Leave during unauthorized absence from 01.02.1998 to 31.03.2003 for 1945 days which is more than 5 years and informed by letter dated 13.04.2018 to the Lok Aayukta, State of Maharashtra, Mumbai.

It was submitted by learned P.O. that departmental enquiry was initiated against the applicant. Annexure-R-3 shows that respondent no. 1 has imposed punishment of recovery of Rs. 2,29,316/- from the applicant under Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 by order dated 11.10.2021.

4. Aboverefereed details show that the O.A. can be disposed of by issuing necessary directions to respondent no. 1. Respondent no. 1 is directed to decide how period of unauthorised absence of the applicant is to be treated, and release pensionary benefits after deducting the

amount which is to be recovered from the applicant by way of punishment, within four months from today. Issue of interest is kept open. No order as to costs.

Member (J)

Dated :- 16/02/2024
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 16/02/2024
and pronounced on

Uploaded on : 17/02/2024