

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 713/2018 (S.B.)

Dilip S/o Raghunathrao Thakre,
aged about 59 years,
Occ. Retired Taluka Agricultural Officer,
Chandur Railway, District Amravati, R/o Plot no.4,
Rajendra Colony, Prashant Nagar Road,
Near Rukhmini Nagar, Amravati-444 606.

Applicant.

Versus

- 1) The State of Maharashtra,
through the Secretary,
Department of Agricultural, Mantralaya,
Mumbai-400 032.
- 2) Commissioner of Agriculture,
Maharashtra State, Central Building,
Pune-1.
- 3) Divisional Joint Director of Agriculture,
Amravati Division, Amravati.
- 4) District Superintending Agricultural Officer,
Amravati.
- 5) Sub Divisional Agricultural Officer,
Amravati.

Respondents.

Shri P.V. Thakre, Advocate for the applicant.

Shri A.M. Khadatkhar, P.O. for the respondents.

WITH

ORIGINAL APPLICATION No. 714/2018 (S.B.)

Vinod S/o Devidasrao Langote,
Aged about 59 years,
Occ. Retired Taluka Agricultural Officer, Daryapur,
District Amravati, R/o Plot no.10,
Gurudeo Colony, near Ajinkya Colony,
V.M.V. Road, Amravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
through the Secretary,
Department of Agricultural, Mantralaya,
Mumbai-400 032.
- 2) Commissioner of Agriculture,
Maharashtra State, Central Building,
Pune-1.
- 3) Divisional Joint Director of Agriculture,
Amravati Division, Amravati.
- 4) District Superintending Agricultural Officer,
Amravati.
- 5) Sub Divisional Agricultural Officer,
Amravati.

Respondents.

Shri P.V. Thakre, Advocate for the applicant.**Shri A.M. Khadatkar, P.O. for the respondents.**

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Dated :- 07/02/2020

JUDGMENT

Heard Shri P.V. Thakre, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The applicants in both the matters stood retired on 31/12/2017 and 31/01/2018 on attaining the age of superannuation respectively. Both the applicants were serving as Taluka Agricultural Officer. It is submitted by the applicants that even after their retirement, they are not receiving the retiral benefits, therefore, the O.As. are filed. It is submitted by the applicants that the respondent no.3 served on them the show cause notice dated 12/04/2018 in which it was alleged that due to negligence of the applicants, the Spray Pumps could not be disturbed to the persons who were entitled, due to negligent conduct of the applicants loss was sustained by the Government, therefore, they were responsible for the loss of Rs.5,10,000/- each. It is submitted by the applicants that the alleged misconduct was committed in the year 2013-2014 and till today they have not received any charge sheet, therefore, the respondents have lost their right to initiate the disciplinary inquiry in view of the Rule 27 (2) (b) (ii) of the Maharashtra Civil Services (Pension) Rules, 1982. It is submitted by both the applicants that direction be given to the respondents to release the retiral benefits of the applicants immediately.

3. The respondents have submitted their reply and resisted both the applications. The main contention of the respondents is that due to negligence of the applicants, the Spray Pump could not be disbursed to the persons who were the beneficiaries of the scheme and due to this act of the applicants, the Government has sustained loss for which each applicant is responsible to pay Rs.5,10,000/- to the Government. It is submitted by the respondents that when this fact was noticed, direction was issued to conduct preliminary inquiry and the Inquiry Committee was established. The Inquiry Committee submitted report on 28/2/2018 to the respondent no.2 and it was reported that both the applicants were responsible for the loss and they were liable to pay amount Rs.5,10,000/- each to the Government.

4. It is submitted by the learned P.O. that as loss is sustained by the Government due to negligent behaviour of the applicants, therefore, the Government has right to recover this much amount from each applicant.

5. There is no dispute between the parties that the propose disbursement of the pumps was in the year 2013-2014 and the applicants stood retired on 31/12/2017 and 31/01/2018 respectively. There is also no dispute that today period of six years is expired after year 2013-2014 or even period from 2014-2015, five years period is expired. As per the Rule 27 (2) (b) (ii) of the Pension Rules as the

period of four years is expired from the date of alleged misconduct and till today charge sheet is not served on the applicants, therefore, now the respondents have no right to initiate the disciplinary proceeding. The respondents have lost their right to initiate the disciplinary proceeding and consequently there remains no substance in the contention of the respondents that they have right to recover the amount of Rs.5,10,000/- from each applicant. There is no dispute about the fact that without conducting the disciplinary inquiry as provided in the Maharashtra Civil Services (Discipline & Appeal) Rules, the respondents cannot straight way recover the amount claiming that the misconduct is committed by the applicants. The learned P.O. has submitted the letter written by the respondent no.3, dated 10/01/2020. In this letter, the respondent no.3 himself accepted that in view of the Rule 27 (2) (b) (ii) of the Maharashtra Civil Services (Pension) Rules, 1982, the Department cannot initiate the disciplinary proceeding against both the applicants.

6. In view of this, the respondents are directed to release the retiral benefits to both the applicants within a period of three months from the date of this order and the respondents shall pay the interest as provided under Rule 129-A & 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 as the delay is caused due to administrative lapses.

7. In view thereof, the O.As. are disposed of accordingly. No order as to costs.

Dated :- 07/02/2020.

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(A.D. Karanjkar)
Member (J).

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 Member (J).

Judgment signed on : 07/02/2020.

Uploaded on : 10/02/2020.