

Thakur

[Spl/MAT/F-5/E]

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/ 122 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date :- 12 JAN 2016

**ORIGINAL APPLICATION NO. 135 OF 2015.**

- 1 Smt. Mangala A. Kanoje,  
R/o. Sukar Park, B-2/102, Near Sahyadri Bus Stop, Kalwa (w),  
Dist. Thane.

....**APPLICANT/S.**

**VERSUS**

- |  |   |
|--|---|
| 1 The State of Maharashtra,<br>Through The Principal Secretary,<br>Revenue & Forest Department,<br>Mantralaya, Mumbai. | 2 The Inspector General of<br>Registration, M.S., Pune. |
| 3 The Deputy Inspector General of<br>Registration, Konkan Division,<br>Konkan, Thane.                                  | 4 The District Joint Registrar,<br>Grade-1, Thane.      |

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 07<sup>th</sup> day of **January, 2016** has made the following order:-*

APPEARANCE : Shri. J.N. Kamble, Advocate for the Applicant.  
Ms. N.G. Gohad, P.O. For the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**

DATE : **07.01.2016.**

ORDER : Heard Shri J.N. Kamble, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

Ms Neelima Gohad learned P.O files affidavit in reply on behalf of Respondent no.1, i.e. State Government. On perusal of the affidavit in reply it is seen that the State Government has found that the proposal to start D.E. after retirement of a Government servant required approval of the Government which was not obtained. Similarly, the order imposing recovery from the pension of a Government servant should have been passed by the State Government, while the impugned order has been passed by Respondent

no.2, who does not have the authority to pass such an order. In para 6 thereof, Respondent no.1 has expressed willingness to set aside the order passed by the Inspector General Of Registrar and Controller of Stamps, which has been challenged in the O.A.

As the Respondent no.1 has undertaken to set aside the order passed by Respondent no.2, which is found to be lacking legal authority, the necessary action may be taken by Respondent no.1 within a period of four weeks from the date of this order.

Liberty is granted to the Respondents to initiate action against the Applicant, if any, as per procedure and rules.

With these observations, the O.A. is disposed of with no order as to costs.

**Sd/-**  
**(Rajiv Agarwal)**  
**Vice-Chairman.**

*Muscal*  
*12/1/2016*  
**Research Officer,**  
**Maharashtra Administrative Tribunal,**  
**Mumbai.**