

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.230 OF 2021**

**DISTRICT: NASHIK**

Shri Ravindra R. Jirepatil )  
Age – 59 years, Retired as Lower Grade )  
Stenographer, Divisional Joint Registrar, )  
Co-operative Societies, Nashik Division, Gadkari )  
Chowk, Nashik. )  
R/at. Plot No.77, R. H. No.7, Happy Home Colony, )  
Nashik-11. ) **....Applicant**

**Versus**

1. State of Maharashtra, )  
Through Secretary, Co-operative Dept. )  
Mantralaya, Mumbai 32. )
2. Divisional Joint Registrar, Co-operative Soc. )  
Nashik Division, Housing Development )  
Bhavan, Nashik 2. ) **...Respondents.**

Shri M. D. Lonkar, learned Advocate for the Applicant.

Smt. Archana B. K., learned Presenting Officer for the Respondents.

**CORAM : SHRI A.P. KURHEKAR, MEMBER (J)**

**DATE : 29.07.2021**

**J U D G M E N T**

1. This Original Application is filed for direction to the Respondents to release retirement benefits which are withheld from 31.05.2020.

2. The was appointed as English Stenographer in 1980 in terms of Maharashtra Civil Services (Compulsory Marathi Shorthand and Marathi Typing Examination for English Stenographers and English Typists) Rules, 1991 (hereinafter referred to as 'Rules 1991' for brevity). The Applicant was required to pass Marathi Shorthand and Marathi Typing examination of the *Ad hoc* Board with the speed of 80 w.p.m. and 30 w.p.m. respectively within four years from the date of joining Government service. However, the Applicant did not pass these examinations within stipulated period. He passed Marathi Typing examination in November, 2000 and thereafter passed Marathi Shorthand examination in January, 2020. He retired on 31.05.2020. He was not granted retirement benefits except provisional pension upto 30.11.2020 only.

3. It is on the above background, the Applicant has filed this Original Application for direction to release retirement benefits.

4. Shri M. D. Lonkar, learned Counsel for the Applicant has pointed out that as per Rule 10 of 'Rules 1991', the Government is empowered to relax the provision of this Rule as it just and reasonable. He further submits that now after retirement, it would be unjust to recover the increments paid to the Applicant for not passing examinations within stipulated period. He, therefore, submits that the Applicant be permitted to make representation to the Government to relax the condition of passing of examination as contemplated under Rule 10 of 'Rules 1991' and O.A. be disposed of with direction to decide the representation within stipulated period.

5. Learned P.O. also fairly concedes to this proposition.

6. Thus, it appears that the retirement benefits of the Applicant were withheld for non passing examinations required to be passed under 'Rule 1991'. As per Rule 7, if the candidate failed to pass examination within

stipulated period, his increment was required to be withheld till passing of examination or exempted from passing such examination under Rule 8 which *inter-alia* provides for exemption from passing examination on attaining the age of 50 years. Thus, though the Applicant has not passed examination, increments were released in his favour.

7. It is after retirement, the Applicant has made an application to take entry of passing examinations in service book and to release retiral benefits. However, no further order was passed thereon.

8. On the above background, the submissions advanced by learned Counsel for the Applicant for direction to Respondent No.1 to decide the representation in terms of 'Rules 1991' is just and reasonable so that after the decision, the Applicant could get his retiral benefits as per his entitlement. Admittedly, till date the Respondents have not passed any orders of recovery about increments paid to the Applicant during his tenure.

9. Learned Counsel for the Applicant has also tendered copy of representation dated 29.07.2021 for perusal of the Tribunal with copy of other side wherein, the Applicant has requested the Government to exercise the powers under Rule 10 of 'Rules 1991' sympathetically.

10. In view of above, Original Application is disposed of with direction to Respondent No.1 to decide the representation dated 29.07.2021 made by the Applicant within two months from today in accordance to rules and shall pass appropriate order in terms of Rule 10 of 'Rules 1991'.

11. The decision as the case may be, shall be communicated to the Applicant within two weeks thereafter.

12. If the Applicant felt aggrieved by the decision, he may avail further legal remedy as may be permissible to him in law.

13. The Respondents are further directed to continue the payment of provisional pension with arrears, if any and to release GIS and GPF to the Applicant within a month from today.

14. No order as to costs.

Sd/-

**(A.P. KURHEKAR)**  
**Member(J)**

Place : Mumbai

Date : 29.07.2021

Dictation taken by : V.S. Mane

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