

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATIONS NO. 496/2008

1/c
Govindrao Krishnaji Bramhankar,
Aged about 64 years,
R/o At post Sangedi,
Tah. Sakoli,
Distt. : Bhandara.

-----**Applicant.**

Versus

- 5/c*
1. The State of Maharashtra,
Through its Secretary,
Agriculture Department,
Mantralaya Mumbai.
 2. The Director of Agriculture,
Nagpur Division, Panchasheel Square,
Near Ghatate Chambrs,
Wardha Road, Nagpur
 3. The Superintending Agriculture
Officer, Bhandara.
 4. The Agriculture Officer,
Tah : Pauni, Distt. Bhandara. ----- **Respondents.**

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- D20*
1. Shri Shrikant Advocate for the applicant.
 2. Shri P.N. Warjurkar, Presenting Officer for the Respondents

**CORAM : B. Majumdar : Vice Chairman
and**

S.S. Hingne: Member (J)

DATE : 25th January, 2016

ORDERPER VICE-CHAIRMAN

Heard Shri Shrikant Deo, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respondents.

2. The applicant, an Agriculture Supervisor filed an application for voluntary retirement on 1/9/1984. On 28/1/1985 he tendered resignation of his post and it was accepted on 5/2/85 with effect from 31/1/85. On 17/11/2000 the Govt. rejected his claim for grant of any retiral benefits. On 30/11/2007 the Divisional Joint Director of Agriculture , Nagpur informed the applicant that the Govt. had rejected his claim of retiral benefits in terms of Rule 46 (1) of the Maharashtra Civil Services (Pension) Rules, 1982 as he had resigned . The applicant has challenged this order in the present O.A. He has also challenged the provisions of Rule 46 (1)

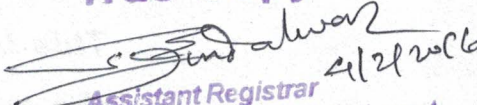
3. We find that the applicant had earlier filed O.A. No.371/2001 challenging the order dtd. 17/11/2000 and

praying for grant of retiral benefits. The Tribunal rejected the O.A. by making the following observations :-

Para 4 : “ It is apparent from the record that the applicant has already tendered resignation by his application dated 28/1/85 and the same has been accepted w.e. from 31/1/85 F.N. by the then Superintending Agriculture Officer, Nagpur Region, Nagpur vide his order No. Resignation /3283 / 446/ A/ II/5185 dated 5/2/85. This being the position, now it does not lie in the mouth of the petitioner to say that he has not tendered the resignation. His unsuccessful attempt to revoke the same was also turned down by the Hon'ble High Court. The net result is that his resignation as tendered by the application dated 28/1/85 is now final.

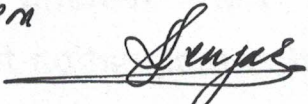
Para 5 : Rule 46 of the MCS (Pension) Rules, 1982 is crystal clear on this issue. Bare reading of this rule, makes it clear that resignation from service or post shall entails or forfeiture of past service. This being the position, there is no alternative than to conclude that the petitioner is not entitled to grant of pension and pensionary benefits.”

4. Thus, the issue that on having resigned, in terms of Rule 46 of the Pension Rules, the applicant is not entitled to pensionary benefits is no longer res integra. The O.A. therefore stands rejected with no order as to costs.

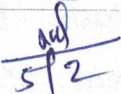
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Assistant Registrar
Maharashtra Administrative Tribunal
Nagpur
21/2/2016

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Adv. Gaurav Sengupta

PO by Dhanu Bose


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