

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.784 OF 2018

DISTRICT : MUMBAI

Shri Pradeep Ganpat Dalvi.)
Age : 59 Yrs., Retired Police Sub-Inspector,)
Residing at Room No.6, 2nd Floor, Shri Sai)
Laxmi Co-op..Hsg.Soc.Ltd, Parulekar Marg,)
Bhawani Shankar road, Dadar (W),)
Mumbai – 400 028.)...Applicant

Versus

1. The State of Maharashtra.)
Through Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
2. Director General of Police,)
M.S, having office at Shahid Bhagat)
Singh Road, Near Regal Cinema,)
Dr. S.P. Chowk, Mumbai – 400 001.)
3. Commissioner of Police.)
Having office at Crawford Market,)
D.N. Road, Mumbai – 400 001.)
4. Additional Commissioner of Police.)
Protection & Security, Vaju Kotak Marg,)
Mumbai – 400 001.)
5. Accountant General (A & E)-I,)
Maharashtra, Pratishtha Bhavan,)
2nd floor, 101, Maharshi Karve Road,)
Mumbai – 400 020.)...Respondents

Mr. M.D. Lonkar, Advocate for Applicant.

Mrs. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 08.03.2019

JUDGMENT

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In the present matter, the Applicant is seeking direction to the Respondents to pay retiral benefits considering his post of Police Sub-Inspector which he held at the time of retirement.

3. The Respondent No.2 has filed Affidavit-in-reply (Page Nos.63 to 67 of the Paper Book). Para No.3.3 and 3.4 of the reply, which are material which are as follows :

“3.3. This office vide this office order dated 10.1.2019 has given him a regular promotion on the post of P.S.I. w.e.f.1.7.2015 as per the mandate of Rule 3(a) and Rule 4 of the P.S.I. (Recruitment) Rules, 1995. The name of the applicant is at Sr.No.108 in Part(7) of the said order.

3.4. Hence, in view of the said factual position now the Respondent Nos.2 & 4 are required to take necessary action about the reliefs sought by the applicant in this case and accordingly they are being requested by this office.”

4. Besides, the Respondent No.2 has also annexed the Office Order dated 10.01.2019 which shows that the Applicant has been also granted regular

promotion w.e.f.01.07.2015 and his name is at Serial No.108 in the order. This being the position, nothing remains in the matter for adjudication.

5. In pursuance of the reply filed by Respondent No.2 and order next thereto, now it is for Respondent Nos. 3 & 4 to take further action for the re-fixation of pension and to release monetary benefits.

6. In view of above, the O.A. is disposed of with direction to the Respondent Nos.3 & 4 to re-fix the pension of the Applicant and to release retiral benefits in terms of order dated 10.01.2019 passed by the office of Respondent No.2.

7. The aforesaid exercise be completed within two months and monetary benefits be extended to the Applicant within stipulated time accordingly.

8. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai

Date : 08.03.2019

Dictation taken by :

S.K. Wamanse.

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