

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 112/2023 (S.B.)**

Pandit Damadu Chinchkhede,  
Aged about 61 years,  
Occupation : Retired,  
R/o Atmaj Damdu Chinchkhede,  
Narsingpur Yaoli Shahid,  
District – Amravati.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through it's Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai- 400 032.
- 2) The Commissioner,  
Tribal Development Department,  
Nashik.
- 3) The Additional Commissioner,  
Tribal, Amravati Division,  
Amravati.
- 4) The Project Officer,  
Integrated Tribal Development Project,  
Dharni, Tah. Dharni,  
District – Amravati.
- 5) Head Master,  
Government Secondary & Higher Secondary  
Ashram School, Bijudhawadi, Tq. Dharni,  
District – Amravati.

**Respondents**

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**Shri G.N.Khanzode, Id. Advocate for the applicant.**

**Shri H.K.Pande, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 04<sup>th</sup> Jan., 2024.**

**Judgment is pronounced on 22<sup>nd</sup> Feb., 2024.**

Heard Shri G.N.Khanzode, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

2. The applicant was appointed as Primary Teacher on 13.02.1993. By order dated 22.11.1996 he was promoted as Graduate Primary Teacher. For promoting Graduate Primary Teachers it was necessary to have/acquire qualification of B.Ed.. The applicant and many other similarly placed promotees could not acquire this qualification. They, however, continued to work as Graduate Primary Teachers without being reverted to the post of Primary Teacher. After serving for more than 33 years the applicant retired on superannuation on 31.07.2020. His pension case ought to have been finalised as per provisions of Maharashtra Civil Services (Pension) Rules, 1982. At the time of his retirement the applicant was holding the post of Graduate

Primary Teacher. He was paid provisional pension for six months. He made representations for release of his retiral benefits. Vide voucher dated 03.11.2022 amount of Provident Fund Rs. 7,61,067/- was paid to him. By communication dated 28.09.2022 (A-7) the applicant was called upon to furnish copy of order dated 06.11.1996 promoting him to the post of Graduate Primary Teacher, and certificate of B.Ed.. It is the contention of the applicant that the respondents ought not to have delayed fixation of his pension and withheld his retiral benefits and on account of delay in releasing the same he is entitled to get interest as per Rules 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982. Hence, this Original Application.

3. The respondents do not dispute that the applicant was paid provisional pension and amount of Provident Fund only, and rest of the benefits have not been released. According to the respondents, pension case of the applicant could not be processed because he did not furnish certificate of B.Ed..

4. There appears to be no dispute about promotion given to the applicant as Graduate Primary Teacher by order dated 11.03.1996. That the applicant continued to hold the post of Graduate Primary Teacher till his retirement is also not disputed. The applicant himself has stated that

though it was stipulated in the order of promotion that acquiring qualification of B.Ed. within two years from promotion was necessary, he could not do so. His further case is that there were many others like him who continued to work on the post of Graduate Primary Teacher for years together without being reverted. It is difficult to believe that the respondents did not know that the applicant had not acquired qualification of B.Ed. and, therefore, by issuing letter dated 28.09.2022, they called upon him to furnish certificate of B.Ed, if he had it. There appears to be no justification for not processing pension case of the applicant in the aforestated background, as per provisions of the Maharashtra Civil Services (Pension) Rules, 1982. In the facts and circumstances of the case it would be just and proper to issue the following directions. The respondents shall process pension case of the applicant within two months from today and submit it to Accountant General, Nagpur for facilitating release of retiral benefits of the applicant. It would be open to the applicant to make a representation to the respondents as to how his pension should be fixed. The applicant shall make such representation, if he so desires, within 10 days from today. In case the applicant is aggrieved by such fixation of his pension, he would be at liberty to approach this Tribunal. All contentions including claim of

interest are kept open. **The O.A. is allowed in these terms with no order as to costs.**

**Member (J)**

**Dated :- 22/02/2024**  
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 22/02/2024  
and pronounced on

Uploaded on : 23/02/2024