

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1254/ 2022 (S.B.)

Dr. Abhay S/o Dadaji Hatekar,
Aged about 56 years,
Occupation:- Professor,
R/o C/o Ram Nagar Ward,
Taluka Hinganghat,
District Wardha.

Applicant.

Versus

- 1) The Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai- 32.
- 2) The Director,
Directorate of Medical Education & Research Department,
Government Dental College Building,
4th Floor, Saint George's Hospital Compound,
Near C.S.T. Mumbai-400 001.
- 3) The Dean,
Government Medical College & Hospital,
Gondia.

Respondents

Shri M.R.Patil, Id. Advocate for the applicant.

Shri M.I.Khan, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 13.06.2023.

JUDGEMENT

Heard Shri M.R.Patil, Id. counsel for the applicant and Shri
M.I.Khan, Id. P.O. for the Respondents.

2. On the last date specific order was passed directing the respondents to file the reply. Today also reply is not filed by ld. P.O.. On last date ld. Counsel for the applicant has pointed out order passed by Government of Maharashtra accepting the voluntary retirement of Dr. Ragini Parek within four days. The applicant has applied for voluntary retirement long back but respondents are not granting the same. Hence, O.A. is decided finally.

3. The applicant was initially appointed on the post of Lecturer on 01.03.1993. Thereafter he was continued as per order dated 16.09.1997. The applicant was promoted on the post of Associate Professor on 20.10.2003. Thereafter the applicant was promoted on the post of Professor on 31.12.2021. On 22.08.2022, the applicant given notice of voluntary retirement, but till date it is not accepted/refused. The applicant is still in service. The applicant do not want to continue his service. Therefore, prayed for direction to the respondents to accept the voluntary notice given on 22.08.2022.

4. Reply is not filed. In view of Rule 66 of Maharashtra Civil Services (Pension) Rules, 1982, if the application if not accepted/refused within a period of 90 days, then it is deemed to be accepted. Rule 66 (2) of Maharashtra Civil Services (Pension) Rules, 1982 reads as under:-

66. Retirement on completion of 20 years qualifying service:-

(1) ****

(2) *The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:*

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

5. From the documents filed by the applicant dated 03.06.2023, it appears that V.R.S. of Dr. Ragini Parek was accepted within four days from the date of notice but respondents are not accepting/refusing the V.R.S. notice given by the applicant. Hence, the following order:-

ORDER

A. Respondents are directed to pass the appropriate order keeping in mind Rule 66 (2) of Maharashtra Civil Services (Pension) Rules, 1982 within a period of 15 days from the date of receipt of this order.

B. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 13/06/2023.
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 Vice Chairman.

Judgment signed on : 13/06/2023.
and pronounced on

Uploaded on : 13/06/2023.