

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 171 / 2018 (S.B.)**

Shri Sunil Nageshrao Jadhav,
Aged about 61 years, Occupation:-Retired,
R/o New Narasala Road,
Plot No. 108,
Nagpur (M.S.)

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Home Ministry,
Mantralaya, Mumbai- 32.
- 2) The Director General of Police,
Maharashtra State,
Mumbai.
- 3) The Commissioner of Police,
Nagpur City, Nagpur.
- 4) The Superintendent of Police (Rural),
Nagpur.
- 5) The Deputy Superintendent of Police (Rural),
Nagpur.

Respondents

Shri G.G.Bade, Id. Advocate for the applicant.

Shri A.P.Potnis, Id. P.O. for the Respondents.

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

JUDGMENT

Judgment is reserved on 10th Feb., 2023.

Judgment is pronounced on 15th Feb., 2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. Case of the applicant is as follows. When the applicant was serving on the establishment of Police Commissioner, Nagpur City, quarter no. 12 was allotted to him. He was transferred on promotion to the establishment of Nagpur Rural by order dated 02.06.2011. He was relieved on the same day. He did not vacate the quarter. He retired on superannuation on 31.12.2014. He eventually vacated the quarter on 05.06.2015. By order dated 03.10.2015 (A-1) net arrears of penal rent of Rs. 2,58,800/- were sought to be recovered from him as per G.R. dated 18.11.2005 issued by the Home Department, Government of Maharashtra. He challenged order dated 03.10.2015 before this Tribunal in O.A. No. 667/2015 which was dismissed on 17.02.2017 (A-2). This order was challenged in W.P. No. 6680/2017. It was disposed of on 10.10.2017 by giving liberty to the applicant to make a representation. Said representation dated 16.10.2017 was rejected by the impugned order dated 18.11.2017 (A-2). Hence, this original application.

3. Respondents 3, 4 & 5 have supported orders dated 03.10.2015 and 18.11.2017.

4. It was contended by Shri Bade, Id. Counsel for the applicant that before directing recovery show cause notice was not issued to the applicant and there was nothing to show that because of retention of quarter by the applicant some other employee had suffered any hardship.

5. In order dated 18.11.2017 it was stated:-

“मा. न्यायालय यांचे आदेशानुसार आपले निवेदन दिनांक १६.१०.२०१७ रोजी प्राप्त झाले आहे. पोलिस आयुक्त, नागपूर शहर आस्थापनेवरील गणेशपेठ येथील शासकीय निवासस्थान क्रमांक १२ आपल्या ताब्यात दिनांक ०५.०६.२०१५ पर्यंत होते. त्यामुळे या आस्थापनेवरील अधिकारी/कर्मचारी यांना शासकीय निवासस्थान वाटप करता आले नाही. त्यामुळे शासन निर्णय क्रमांक आरएसए०७९७/१४५/प्र.क्र.१०/पोल-७, दिनांक १८.११.२००५ च्या तरतुदीनुसार आपणांकडून खालीलप्रमाणे रक्कम वसूल करावयाची आहे. सदरहु रक्कमेतुन आपणांस देय असलेली पोलीस अधिक्षक, नागपूर ग्रामीण येथील घरभाडे भत्तयाची रक्कम रु. ८२,२३०/- वजा करण्यांत आलेली आहे.

१. दिनांक ०३.०६.२०११ ते ०२.०९.२०११ पर्यंत भाडेमाफ सवलत

२. दिनांक ०३.०९.२०११ ते ०२.१२.२०११ पर्यंत अनुज्ञप्ती शुल्क- रु.७८०/-

(प्रतिमहा २६०/- प्रमाणे)

३. दिनांक ०३.१२.२०११ ते ०५.०६.२०१५ पर्यंत दंडनिय शुल्क- रु.३,४१,२५०/-

(रु. २५/- प्रती स्के. फुट या दराने सदर शा.नि.

३२५/- चौ.फुट एकुण ४२ महीने)

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एकूण रु. ३,४२,०३०/-

४. दिनांक ०१.०६.२०११ ते ३१.१२.२०१४ पर्यंत देय घरभाडे

घरभाडे भत्तयाची रक्कम वजा (नागपूर ग्रामीण)

रु.८३,२३०/-

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एकूण रु. २,५८,८००/-

उपरोक्त रक्कम ही विधीवत आपले विरुद्ध थकीत आहे व शासन निर्णय क्रमांकआरएसए०७९७/१४५/प्र.क्र.१०/पोल-७, दिनांक १८.११.२००५ नुसार त्याचा भरणा करणे आपणांस अनिवार्य आहे. कृपया त्वरीत पुर्तता करावी.”

6. Aforequoted contents of order dated 18.11.2017 clearly show that the impugned recovery is legal and proper and there is no substance in either of the contentions raised by the applicant. The **Original Application is accordingly dismissed with no order as to costs.**

(Shri M.A.Lovekar)
Member (J)

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 : 15/02/2023.
and pronounced on

Uploaded on : 16/02/2023.