

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.157/2023**

**DISTRICT: AURANGABAD**

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Pratap Pandharinath Kalawant,  
Age: 58 years, Occu: Service as  
Deputy Registrar, R/o: Plot No. 21,  
Raj-Laxmi Niwas, Vasundhara Colony,  
Bhausing Pura Road, Aurangabad. **...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through The secretary,  
Social Justice and Special Assistance  
Department, Mantralaya, Mumbai- 400 032.
2. The Director,  
Social Welfare Department,  
Maharashtra State, Pune.
3. The Commissioner for Persons with Disability,  
Maharashtra State, 3, Church Road,  
Pune-411 001.
4. The District Social Welfare Officer,  
Shivaji School Road, Rokdia Hanuman Colony,  
Zilla Parishad, Aurangabad.
5. The Registrar,  
Dr. Babasaheb Ambedkar Marathwada University,  
Near Soneri Mahal, Aurangabad. **...RESPONDENTS**

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**APPEARANCE** : Smt. Suchita Dhongde, Counsel for  
Applicant.  
: Shri M.S.Mahajan, Chief Presenting  
Officer for respondent authorities.  
: Shri S.R.Erande, Counsel for  
Respondent no.4.

: Shri Mehul V. Navandar, Counsel for  
Respondent no.5.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.**  
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**DECIDED ON : 28.02.2023.**  
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**ORAL ORDER:**

1. Heard Smt. Suchita Dhongde, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for respondent nos.1 to 3, Shri S.R.Erande, learned Counsel for Respondent no.4 and Shri Mehul V. Navandar, learned Counsel for Respondent no.5.

2. Shri S.R.Erande, learned Counsel submits that he has instructions to appear on behalf of respondent no.4, Zilla Parishad, Aurangabad and today he has filed his Vakalatnama on record.

3. Shri Mehul V. Navandar, learned Counsel submits that he has instructions to appear on behalf of the respondent no.5, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad and he prayed for leave to file Vakalatnama on record. Leave granted. Vakalatnama be filed on record within a week.

4. The applicant entered into Government services w.e.f. 08-08-1991 in the Directorate of Ayurveda Department as a Senior Clerk. He worked there till 31-07-1997. The applicant was thereafter selected on the post of Superintendent (Institute for Disables) which comes under the Directorate of Social Welfare Department. Till the year 2005, the applicant worked in the Social Welfare Department. The applicant was then selected on the post of Superintendent in Dr. Babasaheb Ambedkar Marathwada University, Aurangabad and since then he is working in the said University. Today is the last day of his service and he will get retired at the end of day on attaining the age of superannuation from the post of Deputy Registrar of the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. It is the grievance of the applicant that, in the service book which was forwarded to the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad from the Government, there is no entry of the order of relieving the applicant from the Government services. Learned Counsel submitted that absence of the entry in that regard in the service book of the applicant will be an impediment for processing his case for grant of pension. Learned Counsel further submitted that the Commissioner

for Persons with Disability, Maharashtra State vide its communication dated 12-09-2022 has directed the District Social Welfare Officer, Zilla Parishad, Aurangabad to take such entry in the service book of the applicant and forward it to Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, however, inspite of that no such entry has been yet taken. Applicant has, therefore, prayed for directions against the respondents to update his service book and the direction against the respondent no.4 to comply with the order of respondent no.3 in the communication dated 12-09-2022.

5. The facts as are pleaded in the O.A. have not been disputed by the respondents. It is not in dispute that in the year 2005 while working on the establishment of District Social Welfare Office, Zilla Parishad, Aurangabad the applicant got selected on the post of Superintendent in Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, and accordingly, he joined on the said post. In the passage of time, applicant got promotion to the post of Deputy Registrar.

6. Applicant is retiring on attaining the age of superannuation on today from the post of Deputy Registrar.

In fact, it is a technical non-compliance that the entry of his relieving order is not taken in the service book at the relevant time. However, the fact remains that the Social Welfare Office, Zilla Parishad, Aurangabad forwarded service book of the applicant to Dr. Babasaheb Ambedkar Marathwada University, Aurangabad which establishes that the applicant was relieved from the said office. In the circumstances, if the order of relieving the applicant could not have been formally passed at the relevant time for whatsoever reason, and if it was passed, entry of it was not taken in the service book, inadvertent mistake was occurred at the relevant time can very well be corrected. In no case, non-compliance in that regard shall result in affecting the case of the present applicant for pension. In the circumstances, O.A. filed by the applicant deserves to be allowed. Hence, the following order:

*ORDER*

[i] Respondent no.4 shall cause the entry in the service book of the applicant in respect of his relieving order from the District Social Welfare Office, Zilla Parishad, Aurangabad and forward service book of the applicant to Dr. Babasaheb Ambedkar Marathwada

University, Aurangabad within 4 weeks from the date of this order.

[ii] O.A. stands allowed in the aforesaid terms, however, without any order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 28.02.2023.**