

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.486/2015.

Nagesh Shripad Kulkarni,
Aged about 45 years,
Occ : Nil,
R/o Juni Taksal, Near Budhwara,
Amravati.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Dy. Director of Land Records,
Amravati.
- 3) The Settlement Commissioner and
Director of Land Records,
Pune.

Respondents

Shri Bharat Kulkarni, Advocate for the applicant.
Shri A.M. Ghogre, P.O. for the respondents.

Coram:- B. Majumdar, Vice-Chairman and'
R.B. Malik, Member (J)

Dated:- 22nd April 2016.

Oral order

Per: Member (J)

This O.A. can be disposed of on a decisive, though
short point in view of scope of O.A. such as it is and the prayer clause.



2. It is really not necessary to set out in great details the facts. It would suffice to mention that the applicant tendered his resignation on 30.3.2012 and it came to be accepted by the concerned authority on 16.11.2012. The crux of the matter is that now the applicant effectively wants that he should be allowed to withdraw the resignation and / or resume his duties. We express no opinion whatsoever and these observations are being made only to set out the background of this matter. We have perused the record and proceedings and heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

3. Affidavit-in-reply has been filed and we have perused it. The ultimate scope of the O.A. is that direction be given to the respondents that the representation dated 26.2.2015 and subsequent reminder be decided within a given time frame. Now, after the claim of this particular relief, some recitals are also to be found. But then the main relief is what we have set out above. In our opinion, the respondents ought to have decided the representation by now. The learned P.O. submits that the applicant had earlier made representation on 7.6.2012 which came to be rejected on 1.3.2013. It is really not necessary for us to examine this aspect in great detail,

because the events that have taken place in this particular matter will bear it out that at the end of the day the representation dated 26.2.2015 cannot be assailed as being pointless repeated exercise. Had it been so, then the Tribunal would have been justified in ensuring that such an attempt was frustrated. We are not making any observation with regard to the merit of the representation. But then we can safely observe that the applicant as of now cannot be assailed for being pointlessly and needlessly multiplying representations.

4. We make it clear that we do not make any observation much less do we decide the issue pertaining to Rule 46 (4) of the M.C.S. (Pension) Rules, 1982. We are also not pre-empting the course of action that the authorities would adopt as far as representation of the applicant is concerned, but this much must be mentioned that they will act in accordance with law and rules, both in letter and spirit.

5. In view of the above observations, this O.A. is disposed of with directions to the respondent No.3 to decide the representation of the applicant dated 26.2.2015 alongwith subsequent reminder within a period of two months from today and communicate his decision to the applicant within one week thereafter.

No order as to costs thereof.

sd/-

(R.B. Malik)
Member (J)

sd/-

(D. Majumdar)
Vice-Chairman

pdg