

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 706/2021(S.B.)**

Dr. Mrs. Karuna w/o Dr.M.W.Qureshi Bhise,
Aged 59 years, ; Occupation: Retired,
R/o. Gadge Nagar, Mhasala,
Wardha.

Applicant.

Versus

1. State of Maharashtra,
Through its Principal Secretary,
Public Health Department,
10th Floor GT Hospital Campus Building,
New Mantralaya, Fort, Mumbai-01.
2. The Commissioner,
Public Health Department,
Aarogya Bhavan,
St.Georges Hospital Compound,
CST, Mumbai – 01.
3. Deputy Director of Health Services,
Nagpur Region, Mata Kacheri Compound,
Shradhanand Peth, Nagpur.
4. Civil Surgeon,
General Hospital, Wardha.

Respondents

Shri N.D.Thombre, Ld. counsel for the applicant.

Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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

Dated: - 27th April, 2023.

JUDGMENT

Heard Shri N.D.Thombre, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. Case of the applicant in short is as under:-

The applicant was working on the post of Medical Officer Group-B with the respondents. The applicant is retired on 30.06.2020 after the age of superannuation. After the retirement of the applicant, it is for the respondent particularly respondent no. 4 to pay pension and all pensionary benefits to the applicant within a period of three to six months. The learned counsel for the applicant has submitted that the applicant has received 90% amount of DCRG, but the applicant has not been granted Regular Pension, Commutation of pension, 10% of remaining gratuity, previous leave not sanctioned and payment for the period from 22.06.2007 to 28.01.2009, 2nd time bound promotion, difference of pay and allowances from 7th Pay Commission and other pensionary benefits. The respondents have not filed reply.

3. Learned P.O. has strongly objected the O.A..

4. During the course of arguments, the learned counsel for the applicant has submitted that the respondents have granted second time

bound promotion to the applicant, but the respondents have not fixed the pension by counting second time bound promotion and other pensionary benefits. Pension and pensionary benefits are the property of the retired employee. It was the duty of the employer to process the pension case.

5. From the perusal of communication dated 14.01.2021, it appears that letter was written to the Accountant General, Nagpur by Civil Surgeon, General Hospital, Wardha and requested to verify the Service Book. It appears from the above communication that the final pension case is not submitted to the concerned department. The applicant is getting provisional pension. Hence, the following order-

ORDER

- 1) The O.A. is allowed.
- 2) The respondents are directed to pay the pension and pensionary benefits to the applicant **within a period of three months from the date of receipt of this order.** The applicant is at liberty to claim interest, if any, as per Rules.
- 3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 27/04/2023

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman .
Judgment signed on : 27/04/2023.