

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 879/2019 (S.B.)

Hiroj Baburao Meshram,
Aged about 72 years,
R/o Hudco Colony,
Jaripatka, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai 32.
- 2) Dy. Director of Land Records,
Nagpur Region, Civil Lines,
Nagpur.
- 3) Superintendent of Land Records,
Ram Nagar, Gondia.
- 4) Dy. Superintendent of Land Records,
Deori, Distt.-Gondiya.

Respondents

Shri N.R.Saboo, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

Dated: - 11th August 2023.

JUDGMENT

Judgment is reserved on 07rd August, 2023.

Judgment is pronounced on 11th August, 2023.

Heard Shri N.R.Saboo, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the respondents.

2. Facts leading to this O.A. are as follows. The applicant was working in the respondent department. An offence was registered against him under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act. He was placed under suspension on 20.07.2000. His suspension continued till he retired on superannuation on 31.08.2006. Though he was convicted by the Special Court, the Hon'ble Bombay High Court acquitted him by Judgment dated 28.11.2014. By order dated 12.07.2016 period of his suspension was directed to be treated as duty period. In the year 2004 he became eligible for promotion to the post of Nimitdar. He was deprived of it on the ground that he was under suspension. He is entitled to get the deemed date of promotion. His retiral benefits were not released. His representations for releasing

retiral benefits as well as benefits of deemed date of promotion went unheeded. Hence, this O.A..

3. In their reply respondents 2 to 4 have stated that except amount of leave encashment other retiral benefits have been paid. In their additional reply they have stated **having** paid amount of leave encashment as well. About these payments there is no dispute. According to the respondents the delay in making payment was caused by administrative reasons as well as Covid Pandemic. It is apparent on record that retiral benefits were not paid in time. Therefore, interest will have to be paid.

4. So far as the question of grant of deemed date of promotion is concerned, the respondents have stated –

During the pendency of this original application the applicant has submitted the representation on 24.03.2022 claiming therein that, during his suspension period his junior Shri. P. F. Borkar was promoted in the year 2004. As his suspension period is treated as service period. therefore he may be given the deemed date of promotion.. In this respect it is submitted that, the said claim of the applicant needs to be tested as per the government circular dated 06.06.2002 which gives guidelines as to points to be considered while granting deemed date of promotion. The respondents are ready to

consider the claim of the applicant for deemed date of promotion as per law.

5. For the reasons discussed hereinabove I pass the following order.

ORDER

The O.A. is allowed in the following terms-

The applicant is held entitled to get interest for delayed payment of retiral benefits as per Rules 129(A) / 129(B) of the M.C.S. (Pension) Rules, 1982. The amount of interest shall be paid within three months from today. Within this period of three months question of grant of deemed date of promotion to the applicant shall be decided and monetary benefits thereof, if payable, shall be paid. In case the applicant is aggrieved by either payment of interest or decision with regard to deemed date of promotion, he shall be at liberty to approach this Tribunal in accordance with law. No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 11/08/2023
rsm.

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 Member (J).
Judgment signed on : 11/08/2023.
and pronounced on : 11/08/2023.