

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 888/2021(S.B.)

Harishchandra Dhanramji Takarkhede,
Aged about 59 years,
Retired as District Administrative Officer,
Collector Office, Nagpur,
R/o: Kalmeshwar, Dist.: Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Nagar Vikas,
Mantralaya, Mumbai - 32.
- 2) The Director,
Municipal Administration Mantralaya,
3rd Floor, Sir Pochkhanwala Marg Worli,
Mumbai.
- 3) Divisional Commissioner cum
Regional Director,
Nagar Palika Prashashan, Nagpur.
Office at Old Secretariat,
Civil Lines, Nagpur.

Respondents.

Shri S.S.Ghate, 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: - 16th January, 2024.

JUDGMENT

Judgment is reserved on 10th January, 2024.

Judgment is pronounced on 16th January, 2024.

Heard Shri S.S.Ghate, learned counsel for the applicant and
Shri V.A.Kulkarni, learned P.O. for the respondents.

2. It is the case of the applicant that after serving meritoriously with unblemished record he retired on superannuation as Chief Officer, Group – A / District Project Officer, Municipal Administration on 30.11.2020. At this point of time no departmental enquiry was either pending or contemplated against him. As per Circular dated 11.08.2021 (Annexure A-2) and order dated 25.03.2021 (Annexure A-3) his retiral benefits ought to have been released without loss of time. However, this was not done. Hence, this O.A. seeking directions to respondents to release these amounts, with interest.

3. According to respondent no.3 provisional pension was paid to the applicant upto 30.11.2021 after receipt of "No Dues Certificate"

and certificate regarding no enquiry being either pending or contemplated against the applicant.

4. Respondent no.2 has furnished following details in respect of retiral benefits of the applicant-

The Respondent No.3 has paid the following retiral dues to the Applicant-

Sr. No.	Details of the head of the amount with date	Amount
1.	90% amount from provident fund on 24.6.2020 + Remaining 10% paid on 17.3.2022.	Rs.8,46,987/- Rs.3,06,083/-
2.	Provisional pension from 1.12.2020 to 31.8.2021 (applicant filed the present application on 13.9.2021)	Rs.4,33,836/-
3.	Along with provisional pension of July 2021 second instalment of 7th pay commission of Rs.74.883/- paid to the Applicant	Rs.74,883/-
4.	Provisional pension for period of month of September 2021	Rs.48,204/-
5.	Provisional pension for period of month of October 2021 along with dearness allowance	Rs.58,916/-
6.	Provisional pension for period of November 2021	Rs.52,736/-
7.	Provisional pension for period from December to January 2022	Rs.1,09,824/-
8.	Provisional pension for period from February to March 2022 along with dearness allowance	Rs.1,35,564/-
9.	Provisional pension for period from April to May 2022	Rs.1,12,398/-
10.	Provisional pension for period from June to October 2022 is submitted to treasury office	Rs.2,87,430/-
Total		Rs.24,66,861/-

However, contrary to what is pleaded by respondent no.3, respondent no.2 has pleaded that departmental enquiry is pending against the applicant.

5. In his rejoinder the applicant categorically stated that till the date of his retirement he had not received any communication in respect of initiation of departmental enquiry against him.

6. During final hearing, on 10.01.2014, it was noted –

2. Ld. P.O., on instructions makes a statement that so far departmental enquiry is not initiated against the applicant. It is further submitted that a period of four years from the date of retirement within which enquiry can be initiated against an employee is yet to expire and the department may, if case therefor is made out, initiate the enquiry within this period. It is also submitted that part of retiral benefits have been already paid and the same have been accepted by the applicant.

7. Factual position as detailed above will show that the O.A. is required to be allowed by directing the respondents to release remaining retiral benefits of the applicant within the stipulated time, with interest. Hence, the order.

ORDER

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

The respondents are directed to release remaining retiral benefits of the applicant **within three months** from

today, with interest as provided under Rules 129-A / 129-B of the Maharashtra Civil Services (Pension) Rules, 1982. No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 16/01/2024
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 : 16/01/2024.
and pronounced on : 17/01/2024.