

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 900/2018 (S.B.)

Liladhar s/o Ganesh Katre,
Aged 60 years, Occ.: Retd.
R/o. Veer Sawarkar Ward, Tirora,
Tah. Tirora, District - Gondia.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Irrigation Department,
Mantralaya, Mumbai – 400 032.

- 2) Superintending Engineer,
Bhandara Irrigation Circle,
Bhandara, Tah. and District Bhandara.

- 3) Executive Engineer,
Bagh Itadoh Irrigation Department, Gondia,
Tah. and District Gondia.

Respondents

Shri I.N.Choudhari, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondent no.1.
Shri T.M.Zaheer, Ld. Counsel for the respondents 2 & 3.

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

Dated: - 21th December, 2023.

JUDGMENT

Judgment is reserved on 19th December, 2023.

Judgment is pronounced on 21st December, 2023.

Heard Shri I.N.Choudhari, learned counsel for the applicant, Shri A.M.Khadatkar, learned P.O. for the respondent no.1 and Shri T.M.Zaheer, Id. counsel for the respondents 2 & 3.

2. Case of the applicant is as follows. The applicant retired on superannuation on 31.12.2015. As per G.R. dated 16.09.2016 (Annexure A-1), on completing age of 45 years while holding the post of Civil Engineering Assistant, he became entitled to exemption from clearing departmental examination to get the post of Junior Engineer. By G.R. dated 04.08.2017 (Annexure A-2) such exemption was granted to the applicant w.e.f. 31.12.2002. However, following benefits to which the applicant had become entitled were not released inspite of continuous persuasion by the applicant-

1. Arrears of salary (Differential amount)	Rs.8,00,542/-
2. Leave encash (Differential amount)	Rs.1,56,150/-
3. Retiring Gratuity (Differential amount)	Rs.1,10,515/-
4. Commutation of Pension (Differential amount)	Rs.1,43,245/-
5. Arrears of T.A. Bills and TTA Bills.	Rs.2,13,338/-

6. Arrears of D.A.

Rs.27,481/-

Total :

Rs.14,51,271/-

3. Hence, this O.A. for following relief-

(i) direct the respondents to release the amount of Rs.14,51,271/- towards arrears of dearness allowance, arrears of leave encashment, arrears of T.A. & TTA Bills, benefits of time bound promotion and assured progression scheme alongwith 12% interest thereon;

4. Stand of respondents 2 and 3 is as follows. G.R. dated 16.09.2016 was issued after the applicant retired on 31.12.2015. By order dated 04.08.2017 he was held entitled to exemption from passing the examination. On 12.02.2018 the applicant applied for extending to him monetary benefits of time bound promotion. By order dated 03.05.2019 some of these benefits were extended to him. Process to extend benefits of second time bound promotion is underway. Some payments have been already made to the applicant.

5. During final hearing learned Advocate for respondents 2 and 3 contended that all arrears have been paid to the applicant. Contention of the applicant, on the other hand, is that arrears of only T.A., T.T.A. bills and D.A. have been paid.

6. Fact remains that the applicant retired on superannuation on 31.12.2015 and though he was held entitled to benefits of time bound promotion after his retirement, payment should have been made to him long back. In these facts time frame to make payment would be necessary. Respondents 2 and 3 are directed to pay entire amount of arrears to the applicant within 4 months from today, by calculating extent of delay, with interest, as per Rules 129(A) and 129(B) of the M.C.S. (Pension) Rules, 1982. The O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 21/12/2023
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 : 21/12/2023.
and pronounced on : 22/12/2023.