

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
REVIEW APPLICATION No. 11/2020
IN ORIGINAL APPLICATION No. 821/2019 (D.B.)

Dr. Bhimrao Karuji Meshram,
Aged : Major, R/o 74-D, Gadge Nagar, Behind Jyoti
Primary School, Ramna Maroti, Nagpur.

Applicant.

Versus

- 1) Government of Maharashtra,
through its Secretary, Public Health Department,
Mantralaya, Mumbai.
- 2) Shri Ramesh Arjun,
Desk Officer, Seva 4-B, Public Health Department,
Mantralaya, Mumbai.

Respondents.

Applicant in person

Shri S.A. Sainis, P.O. for respondents.

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Date of Reserving for Judgment : 23rd November,2020.

Date of Pronouncement of Judgment : 12th January, 2021.

JUDGMENT

(Delivered on this 12th day of January,2021)

Per : Anand Karanjkar : Member (J).

Heard the applicant in person and Shri S.A. Sainis,
learned P.O. for the respondents.

2. It is contention of the applicant that while deciding the O.A.No. 821/2019 in Para Nos. 9&10 of the Judgment dated 19/03/2020, this Bench has recorded erroneous findings. We do not see any substance in the contention for the reason that in both the Paragraphs, the Bench considered what contentions were raised by the applicant and no findings were recorded in Para Nos.9&10 of the Judgment.

3. Secondly in the O.A., the applicant challenged the legality of the inquiry. It was contended by the applicant that after retirement, the Government has no right to withhold the pension and it can be done only when, it is established that the misconduct was committed by the Pensioner. It is pertinent to note that this Bench examined all the contentions raised by the applicant in Para No.13 and onwards. Specifically in Para No.18 after considering the law laid down in case of **Manohar B. Patil Vs. State of Maharashtra (2013) 6 Mh.L.J.,311**, the O.A. came to be dismissed. It is pertinent to note that besides the disciplinary proceeding, the applicant is facing criminal trial. The Bench relied upon the Rule 130 (1) (c) of the Maharashtra Civil Services (Pension) Rules, 1982 (in short "MCS (Pension) Rules") and recorded findings that in view of the Rule 130 (1) (c) of the MCS (Pension) Rules as criminal trial was pending against the applicant, therefore, he was not entitled for relief.

4. It is pertinent to note that the applicant is retired Medical Officer. He was specifically directed on 12/10/2020 by this Bench to engage Lawyer to argue his case, but it was not done by him. After reading the application for Review, we do not notice any error apparent on face of record and therefore the application for Review is misconceived. Hence, the following order –

ORDER

The application for Review stands dismissed. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 12/01/2021.

dnk.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 12/01/2021.

Uploaded on : 12/01/2021.

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