

REVIEW APPLICATION NO. 03/2016**IN ORIGINAL APPLICATION NO.402 of 2014 (S.B.)**

(The Zilla Parishad through its Chief Executive Officer, Amravati (Original respondent no.2) Vs. A.S. Rane (Org. Applicant), The State of Maharashtra through Secretary Department of Water Resources, Mantraya, Mumbai (Org. Resp.no.1) and The Accountant General (M.S.) (A&E) (PR-4), Senior Accounts Officer, Nagpur (Org. Resp.no.3)

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

Dated :- 13/04/2018.

ORDER

Heard Shri P.A. Kadu, learned counsel for the applicant (Org. Resp.no.2), Shri S.P. Palshikar, Id. counsel for respondent no.1 (Original applicant) and Shri P.N. Warjurkar, Id. P.O. for respondent nos. 2&3 (Original respondent nos.1&3).

2. The learned counsel for the applicant (Org. Resp.no.2) has filed this Review Application for reviewing the Judgment in O.A. No. 402/2014 passed by this Tribunal on 30/03/2015 whereby the respondents were directed to finalize the regular pension case of the original applicant and ensure the payments towards pension, gratuity and all the terminal benefits within three months from the date of passing of the order.

3. The learned counsel for the applicant (Org. Resp.no.2) submits that in para no.5 of the order, it is observed by the Tribunal

that the departmental enquiry has been only proposed and is yet to be initiated and therefore referring to Rule 27 of the Maharashtra Civil Serves (Pension) Rules, 1982 (in short 'Pension Rules'), it was observed that it cannot be said that the departmental proceedings have been initiated against the applicant. It has been merely proposed or only sanction to initiate departmental proceedings has been granted by the competent authority. The learned counsel for the applicant (Org. Resp.no.2) submits that this observation is on the basis of wrong information given to the Tribunal that the inquiry was not initiated. The learned counsel pointed out to the charge sheet / memorandum served on the original applicant which is at P.B. page no. 15 (Annex-A-2) dated 29/01/2013 from which it seems that the Government has decided to serve the charge sheet to the original applicant on 29/01/2013. He also pointed out to the fact that the charge sheet has been served on the original applicant and he has given acknowledgement to that effect on 30/01/2013. The said acknowledgment shows that the original applicant received some confidential letter. Admittedly the original applicant has retired on superannuation on 31/01/2013 and even if accepted that such charge sheet was served on him, the same seems to have been served on the penultimate day of his retirement. Technically, the respondent no.2 (present applicant) might be correct in say that charge sheet

was served before retirement and therefore no sanction was necessary and the proceeding should have been continued even after retirement as per Rule-8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. From the record it seems that the charge sheet has been approved by the Government on 29/01/2013. Subsequently the Government moved for sanctioning the proceedings and said sanction letter has been referred by this Tribunal in the impugned order. Not only that the Tribunal reproduced the said letter dated 28/01/2013 and came to the conclusion that the inquiry was only proposed. Thus the Tribunal has considered all the questions on merits. If the respondent no.2 (present applicant) is aggrieved by such order, he should have approached the Higher Authority by filing Appeal / Writ Petition, as the case may be.

4. It is further pertinent to note that the original applicant has retired on superannuation on 31/01/2013 and it seems that nothing was done except serving the charge sheet on the penultimate day of his retirement. The Inquiry Officer is appointed by the Government on 27/02/2015 as per Annex-A-4, i.e., after two years and till today nothing has been done in the matter. The learned counsel for the applicant (Org. Resp.no.2) submits that if the respondents are directed to complete the inquiry, it be completed within three months.

Considering the fact that the original applicant has already retired on superannuation on 31/01/2013 and nothing has been done till today, I do not find any reason to interfere in the order passed by this Tribunal. I do not think, it is a fit case to review the order. Hence, the following order.

ORDER

The Review Application stands dismissed with no order as to costs.

Dated :- 13/04/2018.

**(J.D. Kulkarni)
Vice-Chairman (J).**

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