

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.530 OF 2017
(Subject – Pensionary Benefits)**

DISTRICT: AHMEDNAGAR

Shri Sameer AnandraoDhamale,)
Age: 64years,Occu. :Retired,)
R/o Chintamani Nagar, Part-3,)
Building No. A-1, Flat No. 5,)
Bibavewadi, Pune-411 037.)

.. APPLICANT

V E R S U S

- 1) **The State of Maharashtra,**)
Throughits Principal Secretary,)
Rural Development and Water)
Conservation Department,)
Mantralaya,Mumbai-32.)
- 2) **The Treasury Officer,**)
Ahmednagar, Dist. Ahmednagar.)
- 3) **TheAccountant General (A.E.-1)**)
Office of the Accountant General,)
Maharashtra State, Mumbai.)
- 4) **The Chief Executive Officer**)
(Administration),)
ZillaParishad, Ahmednagar,)
Dist. Ahmednagar.)

.. RESPONDENTS

APPEARANCE : ShriV.B. Wagh,Advocatefor theApplicant.

: Shri S.K. Shirse, PresentingOfficer for the
Respondent Nos. 1 to 3.

: Shri S.T. Shelke, Advocate for respondent No. 4
(Absent)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 04.04.2018.

ORAL-ORDER

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The applicant has prayed to direct the respondents to regularize his suspension period and to extend the pensionary benefits to him. He has also prayed to extend the benefits of time bound promotion to him by filing the present Original application.

3. Learned Advocate for the applicant has submitted that a Departmental Enquiry was pending against the applicant and therefore, the pensionary benefits were not given to the applicant. He has submitted that the said Departmental Enquiry is finally concluded on 20.01.2018. He has produced a copy of the order therein. Copy of the said order is taken on record and marked as document 'X' for the purposes of identification. He has submitted that after passing the order by the respondents on 20.01.2018 in the Departmental Enquiry, the applicant moved an application/representation on 19.02.2018 with the respondent No. 1 to release his pensionary benefits, to regularize his suspension period, to grant time bound promotion, etc. He has submitted that the said representation has not yet been decided

by the respondent No. 1 and therefore, he prayed to direct the respondent No. 1 to take decision on his representation and to release his pensionary benefits within a stipulated time. He prayed to dispose of the O.A. with the said directions.

4. Learned Presenting Officer has submitted that since the Departmental Enquiry has been finally concluded and penalty has been imposed against the applicant on 20.01.2018, the respondents will process the papers regarding regular pension of the applicant in due course of time and will consider the representation of the applicant accordingly. He has submitted that a criminal case bearing S.C.C. No. 369/2012 is pending against the applicant in the Session Court at Ahmednagar. He has submitted that because of the pendency of this criminal case, the respondents can not release the gratuity amount in view of Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982 and a liberty may be given to the respondents to pass necessary orders in that regard. He has submitted that by giving reasonable time to the respondent No. 1 to take decision on the representation dated 19.02.2018, the present O.A. may be disposed of.

5. In view of the above said submissions made by the learned Advocate for the applicant and the learned Presenting

Officer, it is crystal clear that the pensionary benefits had not been released to the applicant because of the pendency of the Criminal Case. The Departmental Enquiry has been finally concluded and therefore, there is no legal impediment in releasing the pension and pensionary benefits to the applicant. The applicant has moved an application/representation dated 19.02.2018 and claimed to release the pension and pensionary benefits etc. The said application/representation is pending with the respondent No. 1 since 19.02.2018. In these circumstances, it is just and proper to direct the respondent No. 1 to take proper decision on the representation/application dated 19.02.2018 within a period of three months from the date of this order.

6. In view thereof, the O.A. stands disposed of with a direction to the respondent No. 2 to take appropriate decision as per the rules on the representation dated 19.02.2018 made by the applicant. There shall be no order as to costs.

7. Steno copy allowed to the learned P.O. at his request.

PLACE : AURANGABAD.
DATE : 04.04.2018.

(B.P. PATIL)
MEMBER (J)