

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****COMMON JUDGMENT IN O.A.NO.428/2022 & O.A.NO.429/2022****ORIGINAL APPLICATION NO. 428/2022(S.B.)**

Ashok S/o Pandurang Wadyalkar,
Aged 74, 399, Naik Road, Near Gajanan,
Mandir, Mahal Nagpur-32.

Applicant.

Versus

1. State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
2. The Accountant General,
Maharashtra-II,
Civil Lines Nagpur 440 001.
3. The Food Grain Distribution Officer,
City Food Wing, Civil Lines, Nagpur.

Respondents

Shri B.Kulkarni, Ld. counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondent no.2.
Shri M.I.Khan, Ld. P.O. for the respondents 1 and 3.

With**ORIGINAL APPLICATION NO. 429/2022(S.B.)**

Suresh S/o Rambhau Borade,
Aged 73, R/o 30/A, Vitthal Nagar No.1,
Udya Nagar square, Nagpur - 34.

Applicant.**Versus**

1. State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
2. The Accountant General,
Maharashtra-II,
Civil Lines Nagpur 440 001.
3. The Food Grain Distribution Officer,
City Food Wing, Civil Lines, Nagpur.

Respondents

Shri B.Kulkarni, Ld. counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondent no.2.
Shri M.I.Khan, Ld. P.O. for the respondents 1 and 3.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 4th August, 2023.

COMMON JUDGMENT

Heard Shri B.Kulkarni, learned counsel for the applicants, Shri A.M.Khadatkar, learned P.O. for the Respondent no.2 and Shri M.I.Khan, learned P.O. for the respondents 1 and 3.

2. Case of the applicants in short is as under.

The applicants were working as Awwal Karkoon. They retired on 31.12.2006. The applicants are entitled to get pension. As per the proposal submitted by respondent no.3, the applicants are entitled to get

pension of Rs.7935/-. The Accountant General has wrongly sanctioned pension of Rs.7915/- instead of Rs.7935/-. Therefore the applicants approached to this Tribunal. The Respondent no.3 has submitted in the reply that pension case was submitted to respondent no.2 (A.G.).The Respondent no.3 has calculated the pension of Rs.7935/-, but A.G. has granted Rs.7915/.

3. In reply respondent no.2, A.G. has submitted that the applicants are not entitled for pension of Rs.7935/-, but after calculation they are found entitled for Rs.7915/-.

4. There is only difference of Rs.20/- in the pension of the applicants. The respondent no.3 i.e. the employer of the applicants has submitted the pension case to the A.G.. In the pension case, it is shown that the applicants are entitled for pension of Rs.7935/-. The respondent no.2 in para 3 has stated that the respondent/A.G. office does not act on its own level, but authorises pensionary benefits only on receipt of proper pension papers submitted by the Head of Office/ Pension Sanctioning Authority of the State Government.

5. Learned counsel for the applicants has submitted that no any query was made. If the A.G. was not satisfied in respect of the submission of papers by the respondent no.3, then A.G. was at liberty to return the papers to respondent no.3 for correction in the pension case.

6. No such action was taken by the A.G. Therefore, A.G. cannot suo moto correct the pension papers submitted by the Head of the Department / Pension Sanctioning Authority of the State Government. Hence, the following order.

ORDER

1. The O.As. are partly allowed.
2. The respondent no.3 is directed to submit fresh pension case to the A.G. i.e. respondent no.2.
3. The respondent no.2 is directed to carefully examine the pension papers of the applicants and issue PPO within a period of three months from the date of receipt of pension papers.
4. The respondent no.3 is directed to forward fresh pension papers of the applicants within a period of one month from the date of receipt of this order.
5. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 04/08/2023

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 Vice Chairman .
Judgment signed on : 04/08/2023.
Uploaded on : 10/08/2023.