

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.719/2016

DISTRICT - BEED

Pandurang Maruti Chandanshiv
Age : 62 years, Occ : Pensioner,
R/o. Beed, Tq. & Dist. Beed.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
Public Works Department,
Mantralaya, Mumbai.
2. The Accountant General
(Accounts and Entitlement) II,
Maharashtra, Nagpur.
3. The Chief Engineer,
Regional Office,
Public Works Department,
Behind Old High Court Building,
Aurangabad.
4. The Chief Executive Officer,
Zilla Parishad, Beed.
5. The Executive Engineer,
Zilla Parishad Public Works Division-1,
Beed.

...RESPONDENTS

APPEARANCE :Shri L.H.Kawale learned Advocate holding
for Shri K.J.Suryavanshi learned Advocate
for the applicant

Shri S.K.Shirse learned Presenting Officer
for respondents.

Shri V.M.Chate learned Advocate for
respondent nos.4 and 5.

CORAM: Justice A.H.Joshi, Chairman

ORDER
(Delivered on 2nd day of February, 2018)

1. Heard Shri L.H.Kawale learned Advocate holding for Shri K.J.Suryavanshi learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for respondents and Shri V.M.Chate learned Advocate for respondent nos.4 and 5.
2. Learned Advocate Shri V.M.Chate files Vakalatnama on behalf of respondent nos.4 and 5. It is taken on record.
3. With the consent of both the parties, the matter is taken up for final disposal. Hence it is heard.
4. O.A. contains following prayers:
 - "(A) The Original Application may please be allowed.*
 - (B) It may be held and declared that, the order dated 17.5.2016 (Exh."A-7") passed by the respondent NO.4 may please be quashed and set aside.*
 - (C) The respondent No.2 may please be directed to disburse the regular pension of the applicant as granted earlier by letter dated 7.7.2015 (Exh."A-5").*

(D) The respondent No.2 and 4 may kindly be directed to pay/release the gratuity amount of Rs.6,22,380/- which is withhold by the Respondent No.4 with interest to the applicant within stipulated time."

(Quoted from paper book pages 8-9 of O.A.)

5. It is an admitted position that,
 - (a) Prayer clause (A) is formal.
 - (b) Prayer clause (B) has become infructuous.
6. Prayer clauses (C) and (D) remain.
7. In the Contempt Petition No.10 of 2018 (because of which this O.A. too is on board) 2 documents have been brought on record at page 32 & 35, which are sanction orders for payment of DCRG to the applicant and of sanction of pension. Both these documents are dated 21st November, 2017.
8. Applicant further states that the amount of DCRG is received, however interest towards delayed payment is not made.
9. Entire correspondence on record except last letter dated 13-11-2017/16-12-2017 sent by the Executive Engineer, in fact, puts an end to the controversy.

10. Two points contained in letter dated 31-11-2017/16-12-2017 (page 45 of C.P.) namely point No.1 & 4 read as follows:

" 1½ i ækf.kr dj.; kr ; r s d h j Jh i M j a e j i s t p a u f ' l o l o k f u o R r ; k p o j f o H k k x h ; p k d ' k h i L r k o h r i y i c r v k g s
 4½ i ækf.kr dj.; kr ; r s d h j Jh i M j a e j i s t p a u f ' l o R ; k R ; k l o k f u o R r h o j i f j . k k e d k j d v ' k h d l s k r t g h ? k V u k ? M M y s y h u k g h - f o ' k s ' k y s [k k i f j { k . k e / ; s v f u ; f e r r k v k < G u v k y h v l u j D d e : i ; & 5 0] 9 5] 8 3 1 @ & b r d s j D d e R ; k p d M u o l i y d j . ; k p k v k { k i u k n f o . ; k r v k y k v l Y ; k e G s d k ; z k j h v f h k ; a r k c k d k d k e f o H k k x d z 1 f t Y g k i f j " k n c h M ; k u h R ; k p o j F I R f n u k d 3 0 @ 7 @ 2 0 1 5 j k s t h u k n f o y k v k g s "

(Quoted from paper book pages 45 of C.P.)

11. On oral instructions learned P.O. states that applicant's pension has not been released because of this letter at paper book page 45 and particularly because of point No.1 & 4 (portions quoted in foregoing para).

12. Language of the text which is quoted in foregoing para No.10 does not exhibit any authority or power available by virtue of any rule which entitles the respondents to withhold the pension, barely for intention to institute enquiry or due to filing of FIR many years after retirement.

13. Be it as it may. By no means these pleas could constitute a ground for withholding payment of pension,

without following due process of law particularly in the background that the payment of gratuity is already done.

14. Hence, O.A. is allowed in following terms:

(i) Applicant's pension be released forthwith and in any case within 15 days from today, and be paid regularly until it is revoked etc. in accordance to provisions of law.

(ii) Fixation of liability to pay interest be done by the respondent No.4 or concerned competent authority laid down/designated and as prescribed as per rules.

(iii) Applicant as well as the learned P.O. should cause service of this order on the concerned respondents.

(iv) Parties are directed to bear own costs.

(A.H. JOSHI)
CHAIRMAN

Place : Aurangabad
Date : 02-02-2018.

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**C.P.NO.10/2018 IN O.A.NO.719/2016
(Shri Pandurang Chandanshiv V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

(This case is placed before Single Bench
due to non-availability of Division Bench)

DATE : 02.02.2018

ORAL ORDER :

1. Shri L.H.Kawale learned Advocate holding for Shri K.J.Suryavanshi learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for respondents and Shri V.M.Chate learned Advocate for respondent nos.4 and 5.

2. Heard with consent of the parties.

3. In view of the order dated 01-07-2017, copy whereof is at paper book page 10 of the contempt petition, no further compliance appears to be necessary.

4. Hence contempt petition stands disposed of without any order as to costs.

CHAIRMAN

YUK ORAL ORDER 22-01-2018 AHJ F