

**IN THE HON'BLE MAHARASHTRA ADMINISTRATIVE  
TRIBUNAL  
MUMBAI, AT MUMBAI  
ORIGINAL APPLICATION NO.                      OF 2024.  
DISTRICT: SOLAPUR**

Sanjay Nagnath Jadhav

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

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**SANDEEP DERE**

**ADVOCATE FOR THE APPLICANT**

A

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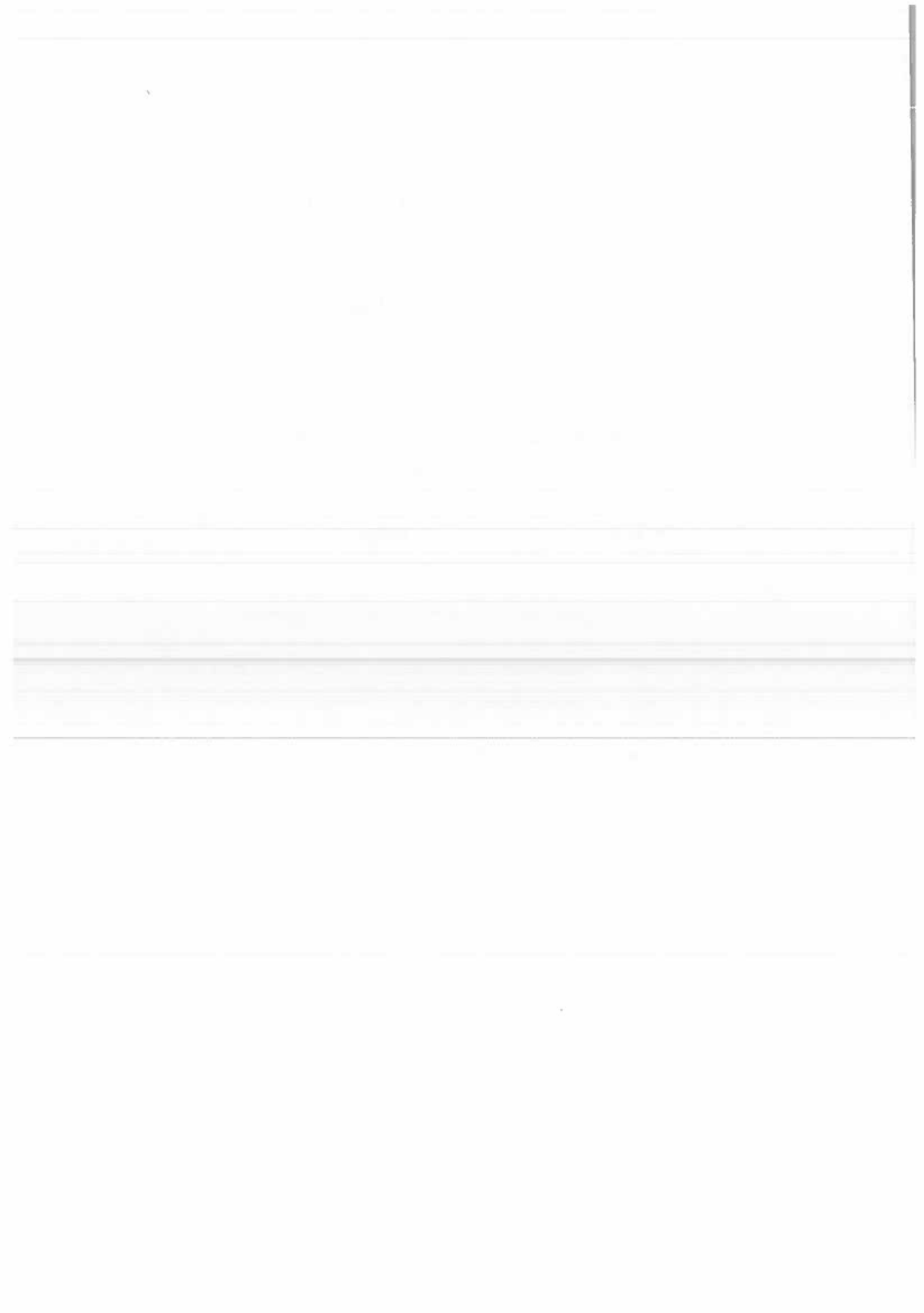
The State of Maharashtra & Anr.

... Respondents

**SYNOPSIS**

<b>SR. NO.</b>	<b>DATES</b>	<b>EVENTS.</b>
1.	26.02.1986	The Applicant joined the Government service.
2.	2015	The private criminal case no. 34 of 2015 was filed against the Applicant.
3.	2019	The private criminal case no. 19 of 2019 was filed against the Applicant.
4.	2020	The private criminal case no. 488 of 2020 was filed against the Applicant.
5.	30.06.2023	The Applicant was retired from the Junior Clerk

  
**SANDEEP DERE**  
**ADVOCATE FOR THE APPLICANT**



**IN THE HON'BLE MAHARASHTRA ADMINISTRATIVE  
TRIBUNAL, AT MUMBAI**

**ORIGINAL APPLICATION NO.        OF 2024**

**District: SOLAPUR**

Sanjay Nagnath Jadhav

Age. 59 years, Occ. Retired

R/at. 35/2, A/C Tirupati Nagar,

Neelam Nagar Road, Solapur 413006

Email: sj200681@gmail.com

Mob: 9850280366

...      Applicant

**VERSUS**

1.    The State of Maharashtra  
      Through the Secretary  
      Women and Child Department,  
      Mantralaya, Mumbai 400032
  2.    District Women and Child Development Officer  
      C. S. P. 1608/9, Plot No. 12,  
      1<sup>st</sup> Floor, Shobha Nagar, Saat Rasta,  
      Solapur 413001
  3.    The Commissioner of Women  
      And Child Development, Pune  
      28, Ranicha Baug, Near Old Circuit House,  
      Pune 411001
  4.    Divisional Deputy Commissioner  
      Women and Child Development Department,
-

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3 Church Road, Pune – 411001

5. The ~~Audit~~ General of Account,

2<sup>nd</sup> Floor, Pratishtha Bhavan, New

Marine Lines, 101 Maharshi Karve Marg,

Mumbai 400020

...Respondents

### DETAILS OF THE APPLICATION

1. **PARTICULARS OF THE APPLICANT:**

As above.

Address for Service of Notice: As the same

2. **PARTICULARS OF THE RESPONDENTS:** As above.

3. **PARTICULARS OF THE ORDER AGAINST WHICH**

**THE PRESENT APPLICATION IS MADE:**

i)	Order No.	:		No Order is Challenged
ii)	Date of Order	:		Nil
iii)	Passed by	:		Nil

4. **SUBJECT IN BRIEF:**

Pensionary/Retirement Benefits

5. **LIMITATION**

The present application is well within limitation as per the provisions of the Administrative Tribunal Act, 1985.

6. **JURISDICTION:**

The Applicant was working with Respondents at District Solapur; hence, this Hon'ble Tribunal has jurisdiction to try and entertain the present Application.

7. **FACTS OF THE CASE:**

- 7.1 The Applicant states that the Applicant is constrained to approach this Hon'ble Tribunal due to the non-performance of Constitutional duties by the authority which is duty-bound to take care to remain within four corners of the Law. The present Applicant has suffered an irreparable loss due to the non-performance of duties by the Authority within the time limit. The entire incident that the Respondent has acted in a manner thereby collectively responsible for deliberate not releasing all pensionary and retirement benefits to the Applicant to which Applicant has been entitled, therefore the Applicant approached this Hon'ble Tribunal.
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7.2 The Applicant states that, the Applicant joined duty on 26.02.1986 as a Sepoy (Class-IV). The Applicant's service is unblemished and without any break. Thereafter, by the order dated 25.09.2006 the Applicant was promoted on to the post of junior clerk. It is to be noted that when the Applicant retired at that time no D.E. was pending against the Applicant however three criminal cases (private cases) are pending against the Applicant. It is to be noted that, it is settled Law if private case is pending against the Applicant (The copy of the promotion order dated 25.09.2006 Retirement certificate is annexed and marked as EXHIBIT –“A”).

7.3 The Applicant states that, the Finance Department vide GR dated 01.11.2008 made clear that after the retirement of any government employee it is the responsibility of the department to issue a Gratuity within 3 months that is not paid till date. (The copy of the GR dated 01.11.2008 is annexed and marked as EXHIBIT –“B”)

7.4 The Applicant states that, the finance department vide GR dated 20.06.1996 stated that the leave encashment should pay



within one month after retirement. The Finance Department vide GR dated 27.05.1996 stated that the group insurance should be paid within 3 months after retirement. In the present case. (The copy of the GR dated 20.06.1996 and 27.05. 1996 are annexed and marked as **EXHIBIT –“C”**)

**The Chart of the Retirement benefits that are not paid till today to the Applicant:**

Sr. No.	Particulars	Retirement date	Due date	Remarks
1	PF	30.06.2023		Received on 31.10.2023
2	Gratuity	30.06.2023	31.07.2023 (Within one month from retirement)	The Applicant has not received till date.
3	Leave encashment	30.06.2023	31.07.2023	08.08.2023
4	Group Insurance	30.06.2023	31.08.2023	11.08.2023
5	Pension	30.06.2023	Provisional pension paid. Regular pension has not been initiated.	

7.5 The Applicant was entitled to all the benefits as a matter of right and the Respondents were the authority to act according to Law. But the Respondents delayed the process hence the Applicant is entitled to retirement benefits with interest. The Respondents have deliberately acted in such a manner thereby an irreparable loss caused to the Applicant.

7.6 It is to be noted that, the Applicant made various representations before the Respondents whereby the Applicant requested the Respondents to release the retirement benefits but the Respondents did not show mercy on the Applicant and did not grant/release the retirement benefits. (The copy of the various representations are annexed and marked as EXHIBIT - "D")

7.7 At the time of the retirement total of 3 criminal cases were pending against the Applicant the details of the cases are as follows:

1. R.No. 34/2015: The Criminal case was filed on 02.03.2015 in MIDC Police Station, Solapur. Mrs. Shankuntala Suryaanshi made a private complaint against the Applicant for property dispute however on 04.09.2021 she died and

the Ld. JMFC court acquitted the Applicant. (The copy of the death certificate of private complainant and order dated 04.09.2021 of JMFC Court is annexed and marked as **EXHIBIT – “E”**)

2. **R.No. 19/2019**: The said Criminal case was filed on 05.09.2021 is a private complaint filed by Vijaya Wonga for property. The said matter is at the stage of the final hearing.
3. **R.No. 488/2020**: The Criminal case was filed by the Applicant's wife's relative for property hence the said matter is a family matter and does not have any connection with the Applicant. The Applicant's wife died on 31.01.2021 hence the case is pending against the name of the Applicant. It is specifically submitted that the respondent authorities failed to consider that no cognizance of the matter is taken by the Judicial Magistrate, First Class in the criminal case pending against the accused as the charge is not framed. (The copy of the details of the criminal case are annexed and marked as **EXHIBIT – “F”**)
4. The Applicant states that, the Applicant completed his 10 years of services in 2016 in the light of GR dated

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02.03.2019 at one post however the Respondents did not granted the benefit of the tome bound promotion to the Applicant, though the Applicant was eligible and entitled for it.

7.8 In view of same, the respondents ought to have taken into consideration the provisions of Rule 27 (6) (a) and (b) of the Maharashtra Civil Services (Pension) Rules, 1982 which they have failed to do. The provisions of Rule 27 and 130 of M.C.S. (pension) Rules and Rule 28 of M.C.S.(Leave) Rules are not applicable strictly and in such situations the pension and pensionary benefits can be released. The Government is in contravention of the constitutional right bestowed upon the Government servant as per Article 300-A, which deals with the persons not to be deprived of property save by authority of law and definition as stated in Article 366 (17) of the Constitution of India.

7.9 In an Original Application No. 346 of 2021 the Hon'ble High Court bench at Aurangabad in a similar matter granted all pensionary benefits to the government officer. The present case it is not the case of committing misconduct while

discharging the duties of the post held by the Applicant as a Government Servant. Due to withholding of pension and pensionary benefits, the Applicant has been deprived of his fundamental right as recognized under Article 300(A) of the Constitution of India. (The copy of the order in Original Application No. 346 of 2021 is annexed and marked as **EXHIBIT – “G”**)

7.10 In the Writ Petition No.2630 of 2014 decided by the Hon’ble High Court of Judicature at Bombay Bench at Aurangabad in the matter of Purushottam Kashinath Kulkarni & Ors. Vs. The State of Maharashtra and Others. decided on 16.02.2016. In the said citation case by interpreting the provisions of Article 300-A and 366 (17) of Constitution of India and by relying upon the case law of the Hon’ble Apex Court in the matter of State of Jharkhand and Others reported in 1(2013) 12 S.C.C. 210, it is held that withholding the amount of pension, gratuity and leave encashment cannot be countenanced. (The copy of the order in Writ petition No. 2630 of 2014 is annexed and marked as **EXHIBIT –“H”**)

7.11 In O.A.No.1072 of 2017 in the matter of Shri Raosaheb Channappa Mane Vs. The Commissioner of Police, Mumbai

& two Ors. decided on 07.09.2018. In the case, the respondents therein declined to release the pensionary benefits to the applicant on account of criminal case pending against the applicant therein. The criminal case pending against the applicant therein was on the basis of complaint filed by the private party. The applicant challenged the criminal case by filing the Writ Petition before the Hon'ble High Court and the Hon'ble High Court was pleased to stay the said proceedings against the applicant. The said case was not at all connected with the official duty of the applicant. In view of same, relief was granted to the applicant by giving necessary direction to the competent authority for granting regular pensionary benefits to the applicant. (The copy of the order in O.A.No.1072 of 2017 in the matter of Shri Raosaheb Channappa Mane Vs. The Commissioner of Police, Mumbai & two Ors. decided on 07.09.2018 is annexed and marked as **EXHIBIT –“I”**)

- 7.12 The Respondent authorities ought to have considered that the criminal case in which the Applicant is involved is not in respect of any misconduct while discharging the official duties

and the Applicant has been punished departmentally in that respect.

7.13 The Applicant states that, in the identical matter in O.A. No. 200 of 2021 this Hon'ble Tribunal granted the relief and directed the Respondents to pay the pensionary benefits with interest. It is to be noted that when the Applicant retired at that time no DE or criminal proceeding was pending against the Applicant hence it is a violation of law that it's been more than 1 years and till date, the Respondents did not pay the gratuity. (The copy of the Judgment passed in O.A. 200 of 2021 is annexed and marked as **EXHIBIT –“J”**)

7.14 It is the responsibility of the Head office to undertake the work of competition of pension papers well in advance so as to submit to the concerned authority so that pension and other retiral benefits are paid to a government servant within a prescribed period. However, the Respondents did not follow the procedure laid down as per Rules 120, 121, and 122 of Pension Rules 1982. It clearly shows lapses and negligence on the part of the concerned authority which deprived the Applicant of utilizing his retiral benefits.

***“120. Preparation of pension papers***

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*(1) Every Head of Office shall undertake the work of preparation of pension papers in Form 6 in respect of Non-gazetted Government servant as well as Gazetted Government servant, whose pay and allowances are drawn by him on establishment bills, two years before the date on which they are due to retire on superannuation or on the date on which they proceed on leave preparatory to retirement whichever is earlier.*

*(2) The Audit Officer shall undertake the work of preparation of pension papers in Form 6, two years before the date on which a Gazetted Government servant, other than mentioned in sub-rule (1) above who is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.*

*(3) The time schedule and procedure prescribed in these rules shall be followed by the Audit Officer on whom the responsibility for preparation of pension papers in respect of Gazetted Government servants under sub-rule (2) has been entrusted.*

*(4) In the case of a Government servant holding a lien, or a suspended lien on a Non-gazetted post and holding a Gazetted*



*post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer two years in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a Gazetted post only during the last year of his service after verifying that the certificate of verification relating to non-gazetted service has been recorded and that the service book is complete in all respects.*

***121. Stages for the completion of pension papers***

*(1) The Head of Office shall divide the period of preparatory work of two years referred to in rule 120 in the following three stages:-*

*(a) First Stage - Verification of service :- (i) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.*

*(ii) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such*

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*service, as the case may be, with reference to pay bills, a  
quittance rolls or other relevant records, and record the  
necessary certificates in the service book.*

*(iii) If the service for any period is not capable of being verified  
in the manner specified in sub-clause (i) and sub-clause (ii),  
that period of service having been rendered by the Government  
servant in another Office or Department, a reference shall be  
made to the Head of Office in which the Government servant  
is shown to have served during that period for the purpose of  
verification.*

*(iv) If any portion of service rendered by a Government servant  
is not capable of being verified in the manner specified in sub-  
clause (i) , or sub- clause (ii), or sub-clause (iii), the  
Government servant shall be asked to file a written – statement  
on plain paper stating that he had in fact rendered that period  
of service, and shall , at the foot of the statement, make and  
subscribe to a declaration as to the truth of that statement, and  
shall, in support of such declaration, produce all documentary  
evidence and furnish all information which is in his power to  
produce or furnish.*

(v) *The Head of Office shall, after taking into consideration the facts in the written-statement and the evidence produced and the information furnished by that Government servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant.*

(b) *Second Stage – Making good omission in the service book*

*:- (i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of 'Pensionable Pay' and the service qualifying for pension.*

*(ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.*

*(iii) Calculation of Pensionable Pay :- For the purpose of calculation of pensionable pay, the Head of Office shall verify from the service book the correctness of the pay drawn or to be drawn during the last ten months of service. In order to ensure that the pay during the last ten months of service has been correctly shown in the service book, the Head of Office may verify the correctness of pay for the period of twenty-four months only, preceding the date of retirement of a government servant, and not for any period prior to that date.*

*(C) Third Stage – Obtaining Form 5 by the Head of Office :- Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant, duly completed.*

*(2) Action under clauses (a), (b) and (c) of sub-rule (1) shall be completed eight month prior to the date of retirement of the Government servant.*

#### *122. Completion of pension papers*

*The Head of Office shall complete Part I 1 (and Part-III) of Form 6 not later than six months before the date of retirement of the Government servant."*

7.9 The responsibility has been fixed upon the Head of Office to undertake the work of completion of pension papers well in advance as to submit the same to the concerned Authority so that pension and other retiral benefits are paid to a Government servant within prescribed period. However, in the present case, no such steps are taken. It clearly exhibits lapses and negligence on the part of concerned which deprived the Applicants from utilizing their retiral benefits

8. **GROUND:**

8.1 That the Applicant served more than 37 years to the Respondents, his service is unblemished and without any break.

8.2 That, as per law and rules, and regulations the Applicant is entitled to retirement benefits. That, prima facie can be seen, there is a deliberate delay on the part of Respondents for releasing the benefits.

8.3 That the Respondents deliberately not release the retirement benefits to the Applicant hence he is eligible for the interest. It's been more than 1 years and the Respondents did not grant the regular pension to the Applicant therefore it is a violation of the law.

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8.4 The Applicant is entitled to interest on gratuity as per the GR dated 01.11.2008 and Rule 129B of Pension Rules 1982 since it's been more than 1 years and the Respondent did not pay the gratuity.

8.5 It is to be noted that, the Respondent No. 3 did not pay the Leave encashment as per statutory rules and hence there is a delay of 1 months and the Applicant is entitled to the interest on delayed payment as per GR dated 20.06.1996.

9. **REMEDIES EXHAUSTED:**

In the circumstances, the Applicant has no other efficacious speedy remedy than to approach this Hon'ble Maharashtra Administrative Tribunal, Mumbai.

10. **MATTER PREVIOUSLY FILED:**

The Applicant has not filed any other application in any other Court except this Hon'ble Maharashtra Administrative Tribunal, Mumbai.

11. **RELIEFS WITH PRAYERS:**

The Applicant, therefore, prays that:

- (a) This Hon'ble Tribunal may be pleased to direct the Respondent No. 3 to release the retirement benefits i.e., gratuity and regular pension.
- (b) This Hon'ble tribunal may be pleased to direct the Respondent No. 3 to pay the provisional pension/regular pension from 01.07.2023 today and further direct the Respondent No. 2 to grant a regular pension.
- (c) By the suitable orders and directions, this Hon'ble Tribunal may kindly be pleased to direct the Respondent No. 2 to release the interest on gratuity, leave encashment, and pension since it has been more than 1 years since the retirement of the Applicant the Respondent No. 3 till today did not release the retirement benefits.
- (d) This Hon'ble Tribunal be pleased to direct the Respondents to release the retirement benefits and interest within a period of three weeks from the date of passing the order from this Hon'ble Tribunal;
- (e) This Hon'ble Tribunal may be pleased to direct the Respondents to grant first time bound promotion w.e.f. from 25.09.2016

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(f) Respondents be ordered to pay the cost of the present  
Petition to the Applicant.

(g) Any other and further order as this Hon'ble Maharashtra  
Administrative Tribunal, Mumbai may deem fit, proper, and  
necessary in the circumstances of this case be passed.

12. **LIST OF ENCLOSURES:**

AS PER INDEX ABOVE

PLACE: MUMBAI

DATE: .07.2023



**SANDEEP DERE**  
ADVOCATE FOR THE APPLICANT



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VERIFICATION

I, Sanjay Nagnath Jadhav Age. 59 years, Occ. Retired

R/at. 35/2 3T/05 Tirupati Nagar, Neelam

Nagar road, Solapur - 413006

sj200681@gmail.com

Email:

\_\_\_\_\_, Mob: 9850280366 do hereby verify

and solemnly state on oath that the contents of Para Nos. \_\_\_\_ to

\_\_\_\_ are true to my personal knowledge and Para Nos. \_\_\_\_ to \_\_\_\_

are believed to be true on legal advice and that I have not

suppressed any material fact.

Date: \_\_\_\_ / \_\_\_\_ / 2024

Place: Mumbai

  
(Applicant)

  
**SANDEEP DERE & ASSOCIATES**  
ADVOCATE FOR THE APPLICANT

BEFORE ME



(A)

Exh-A

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जिल्हा महिला व बाल विकास अधिकारी, सोलापूर.  
सी.एस.नं.1608/9, प्लॉट नं 12 पहिला मजला, शोभा नगर, सातरस्ता  
सोलापूर.दुरध्वनी क्र. 0217-2310671  
ई-मेल:- sol\_dwcdco@yahoo.co.in

जा. क्र. जिमबाविअसो/आस्था/सोलापूर/ 2023-24/

22/06/2023

दिनांक:- 22/06/2023

## आदेश

विषय:- नियम वयोमानाने सेवानिवृत्त होत असलेबाबत.

उपरोक्त विषयांस अनुसरून श्री.संजय नागनाथ जाधव (कनिष्ठ लिपिक) यांची जन्मतारीख दि. ०३/०६/१९६५ असून त्यांनी वयाची ५८ वर्षे पूर्ण केलेली आहेत. तसेच दि.३०/०६/२०२३ रोजी नियत वयोमानानुसार शासकिय सेवेतून सेवानिवृत्त होत आहेत. तरी त्यांची कनिष्ठ लिपिक या पदावरून दि.३०/०६/२०२३ पासून कार्यमुक्त करण्यात येत आहे.

तसेच संजय जाधव (कनिष्ठ लिपिक) यांना कार्यालयाचे सर्व अभिलेखेवरून नांव कमी करण्यात येत आहे. व कनिष्ठ लिपिक या पदावर त्यांचा कोणत्याही प्रकारचा हक्क राहणार नाही.

तरी श्री.संजय नागनाथ जाधव (कनिष्ठ लिपिक) यांना पुढील आयुष्यास मनःपूर्वक शुभेच्छा.

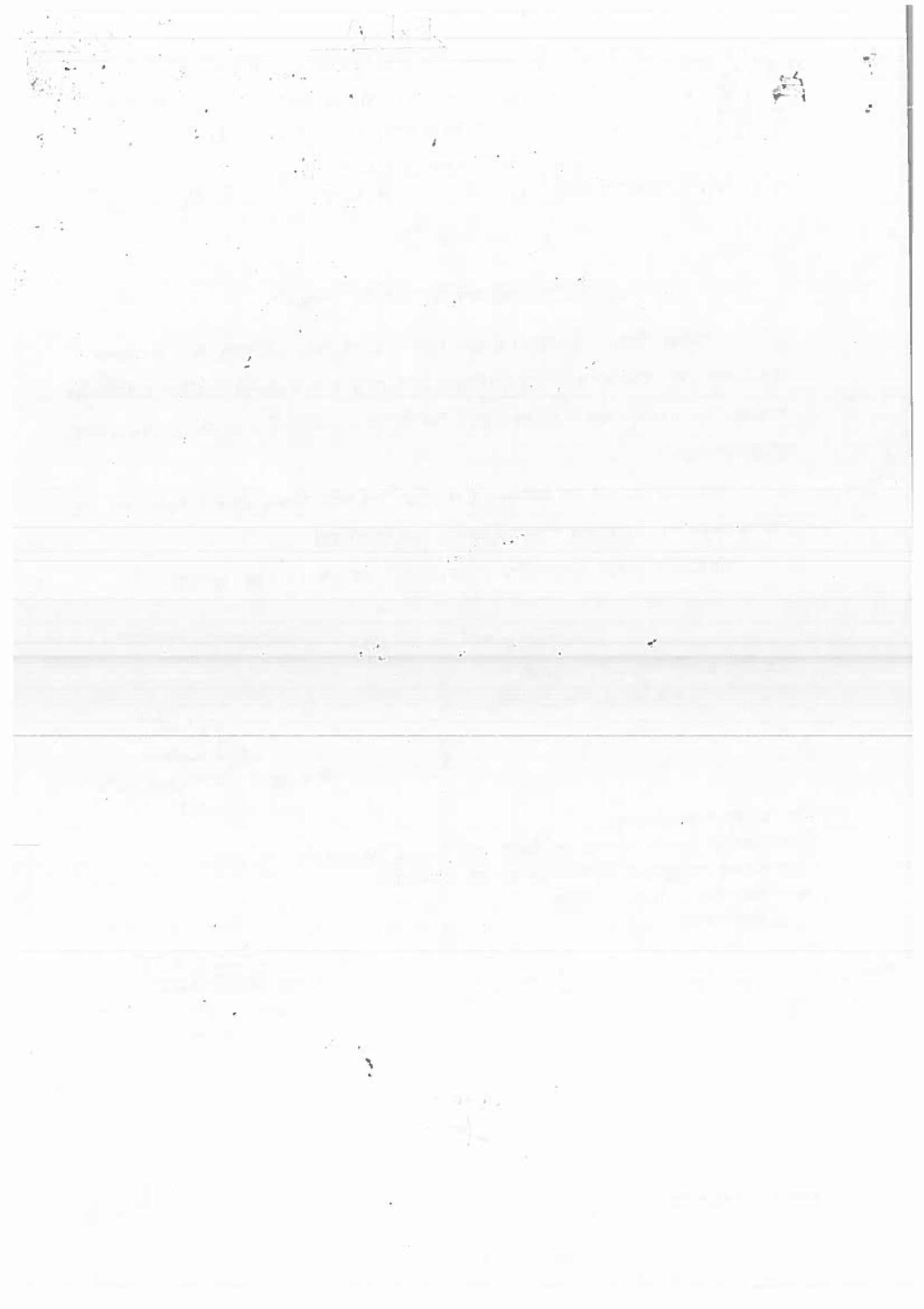
✓ श्री.संजय नागनाथ जाधव (कनिष्ठ लिपिक)  
जिल्हा महिला व बाल विकास अधिकारी सोलापूर

(डॉ. विजय खोमणे)  
जिल्हा महिला व बाल विकास अधिकारी  
सोलापूर

प्रत:- माहितीस्तव सविनय सादर

- १.मा.उपआयुक्त (प्रशासन) महिला व बाल विकास आयुक्तालय, महाराष्ट्र राज्य, पुणे
- २.मा.विभागीय उपआयुक्त, महिला व बाल विकास पुणे विभाग पुणे.
- ३.मा.जिल्हा कोषागार अधिकारी, सोलापूर
- ४.आस्थापना विभाग

(डॉ. विजय खोमणे)  
जिल्हा महिला व बाल विकास अधिकारी  
सोलापूर



(९)

Exh-B

23

असा. क्र. २००

रजिस्टर्ड नं. एमएच/एमआर/साऊथ-२२९/२००६-०८



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, नोव्हेंबर २६, २००८/अग्रहायण ५, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग चार-अ

महाराष्ट्र शासनने केंद्रीय अधिनियमांमध्ये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

वित्त विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १ नोव्हेंबर २००८

अधिसूचना

भारताचे संविधान.

क्रमांक सेनिवे. १००८/७७/सेवा-४.— भारताच्या संविधानाचा अनुच्छेद ३०९ च्या परंतुकान्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करून महाराष्ट्राचे राज्यपाल, महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ ला आणखी सुधारणा करणारे पुढील नियम करीत आहेत :—

१. या नियमांस, महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) (सुधारणा) नियम, २००८ असे म्हणावे.
२. महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ मधील नियम, १२९ (ए) मधील नियम (१), (२), (३) व (४) वगळण्यात येत असून खालीलप्रमाणे नियम सुधारित करण्यात येत आहेत. हे नियम दिनांक २४ एप्रिल १९९५ पासून सुधारित झाले आहेत असे मानण्यात यावे :—

- (१) जेथे सेवानिवृत्ती उपदानाचे/मृत्यू उपदानाचे प्रदान सेवानिवृत्तीच्या/मृत्यूच्या तारखेपासून ३ (तीन) महिन्यांनंतर करण्यात आले असेल, आणि रक्कम प्रदान करण्यातील विलंब हा

भाग चार-अ—२३२

(८२७)

[किंमत : रुपये ७.००]

T.C.

८२८ महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २६, १००८/अग्रहायण ५, शके १९३० [भाग चार-अ

प्रशासनिक घुकीमुळे झाला असे स्पष्टपणे प्रस्थापित झाले असेल, तेथे ३ (तीन) महिन्यांनंतरच्या कालावधीसाठी सर्वसाधारण भविष्यनिर्वाह निधीच्या ठेवीवर लागू असलेल्या व्याजदराप्रमाणे व्याज देण्यात येईल.

(परंतु असे की, यां प्रकरणात नेमून दिलेल्या कार्यपद्धतीचे पालन करण्यात शासकीय कर्मचाऱ्याने कसूर केल्यामुळे उपदान प्रदान करण्यात विलंब झालेला असल्यास व्याज देय होणार नाही)

आणखी असे की, ज्या प्रकरणी तात्पुरते उपदान मंजूर करण्यात आले, असेल त्या प्रकरणी व्याज देय होणार नाही.)

(२) विलंबाने प्रदान करण्यात आलेल्या सेवानिवृत्ती उपदान/मृत्यू उपदानाच्या प्रत्येक प्रकरणावर मंत्रालयातील संबंधित प्रशासकीय विभाग स्वाधिकारे विचार करील, आणि सेवानिवृत्ती उपदान/मृत्यू उपदान प्रदान करण्यातील विलंब हा प्रशासकीय कारणांमुळे झाला याबद्दल विभागाची खात्री झाली असेल, तर तो विभाग यथास्थिति, महालेखापाल (लेखा व अनुशेयता) महाराष्ट्र, मुंबई/नागपूर यांचेकडून या संबंधातील अनुशेयता अहवाल प्राप्त करून घेऊन, व्याज प्रदान करील. व्याज प्रदान करण्यासाठी वित्त विभागाकडे मान्यतेसाठी शिफारस करण्याची गरज आहे आवश्यकता राहणार नाही.

(३) जेथे प्रशासनिक कारणांमुळे सेवानिवृत्ती उपदान/मृत्यू उपदानावर व्याजाचे प्रदान प्राधिकृत करण्यात आले असेल, अशा सर्व प्रकरणात मंत्रालयातील प्रशासकीय विभागाने जबाबदारी निश्चित करून विलंबास जबाबदार असल्याचे आढळून आलेल्या अधिकाऱ्यांसहित शासकीय कर्मचाऱ्याविरुद्ध अथवा कर्मचाऱ्याविरुद्ध संबंधित प्रशासकीय विभाग जबाबदारी निश्चित करून त्यांच्याविरुद्ध शिस्तपंगमाची कार्यवाही करील आणि उपदानाचे विलंबास जबाबदार असल्याचे आढळून आलेल्या अधिकाऱ्यांसहित, शासकीय कर्मचाऱ्यांकडून किंवा कर्मचाऱ्यांकडून देय झालेल्या व्याजाची रक्कम वसूल करील.

३. महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ मधील नियम, १२९ (बी) मधील नियम (१), (२), (३) व (४) खगळण्यात येत असून खालीलप्रमाणे नियम सुधारित करण्यात येत आहेत :-

(१) जेथे निवृत्तिवेतनाचे/कुटुंब निवृत्तिवेतनाचे प्रदान ते देय झाल्याच्या तारखेपासून ६ (सहा) महिन्यांनंतर प्राधिकृत करण्यात आले असेल, आणि रक्कम प्रदान करण्यातील विलंब हा प्रशासनिक कारणांमुळे झाला असे स्पष्टपणे प्रस्थापित झाले असेल, तेथे ६ (सहा) महिन्यांनंतरच्या कालावधीसाठी सर्वसाधारण भविष्य निर्वाह निधीच्या ठेवीवर लागू असलेल्या व्याजदराप्रमाणे व्याज देण्यात येईल :-

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भाग चार-अ] महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २३, २००८/अग्रहायण ५, शके १९३० ८२९

परंतु असे की, या प्रकरणात नेमून दिलेल्या कार्यपद्धतीचे पालन करण्यात शासकीय कर्मचाऱ्याने कसूर केल्यामुळे निवृत्तिवेतनाचे प्रदान करण्यात विलंब झालेला असल्यास व्याज देय होणार नाही :

आणखी असे की, ज्या कालावधीसाठी तात्पुरते निवृत्तिवेतन प्रदान करण्यात आले असेल त्या कालावधीसाठी व्याज देय होणार नाही. ज्या शासकीय कर्मचाऱ्याला तात्पुरते निवृत्तिवेतन मंजूर केले असेल त्या प्रकरणी, तात्पुरत्या निवृत्तिवेतनाचे प्रदान बंद झाल्यानंतर सहा महिन्यांचा कालावधी उलटल्यापासून अंतिम निवृत्तिवेतन प्राधिकृत करेपर्यंतच्या कालावधीसाठी विहित तरतुदीनुसार व्याज देण्यात येईल.

(२) विलंबाने प्रदान करण्यात आलेल्या निवृत्तिवेतनाचे/कुटुंब निवृत्तिवेतनाच्या प्रत्येक प्रकरणावर मंत्रालयातील संबंधित प्रशासकीय विभाग स्वाधिकारे विचार करील, आणि निवृत्तिवेतन/कुटुंब निवृत्तिवेतन प्रदान करण्यातील विलंब हा प्रशासकीय कारणांमुळे झाला याबद्दल विभागाची खात्री झाली असेल, तर तो विभाग यथास्थिति, महालेखापाल (लेखा व अनुशेयता) महाराष्ट्र, मुंबई/नागपूर यांचेकडून या संबंधातील अनुशेयता अहवाल प्राप्त करून घेऊन, व्याज प्रदान करील. व्याज प्रदान करण्यासाठी वित्त विभागाकडे मान्यतेसाठी शिफारस करण्याची यापुढे आवश्यकता राहणार नाही.

(३) जेथे प्रशासनिक कारणांमुळे निवृत्तिवेतनावर/कुटुंब निवृत्तिवेतनावर व्याजाचे प्रदान प्राधिकृत करण्यात आले असेल, अशा सर्व प्रकरणात मंत्रालयातील प्रशासकीय विभागाने जबाबदारी निश्चित करून विलंबास जबाबदार असल्याचे आढळून आलेल्या अधिकाऱ्यांसह शासकीय कर्मचाऱ्याविरुद्ध अथवा कर्मचाऱ्यांविरुद्ध संबंधित प्रशासकीय विभाग जबाबदारी निश्चित करून त्यांच्याविरुद्ध शिस्तभंगाची कार्यवाही करील आणि निवृत्तिवेतन/कुटुंबनिवृत्ति वेतनाचे विलंबास जबाबदार असल्याचे आढळून आलेल्या अधिकाऱ्यांसह, शासकीय कर्मचाऱ्याकडून किंवा कर्मचाऱ्यांकडून देय झालेल्या व्याजाची रक्कम वसूल करील.

४. सदर अधिसूचना, महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या वेब साईटवर उपलब्ध करण्यात आली असून तिचा संकेतांक २००८११०७१६०८४७००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

नि. वा. वाडेकर,  
शासनाचे उप सचिव.

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८३० महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २९, २००८/अप्रकाशन ५, मके १९३० [भाग चार-अ]

**FINANCE DEPARTMENT**

Mantralaya, Mumbai 400 032, dated the 1st November 2008

**NOTIFICATION**

CONSTITUTION OF INDIA.

No. PEN. 1008/77/SER-4.— In the exercise of the powers conferred by the proviso to article 309 of the constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules further to amend the Maharashtra Civil Services (Pension) Rules, 1982, namely :—

1. These rules may be called the Maharashtra Civil Services (Pension) (Amendment) Rules, 2008.

2. In Rule 129 A of the Maharashtra Civil Services (Pension) Rules, 1982 (hereinafter referred to as "the principal Rules") for sub-rules (1) to (4), the following sub-rules shall be substituted and shall be deemed to have been substituted with effect from 24th April 1995, namely :—

(1) Where the payment of retirement gratuity or death gratuity, as the case may be has been delayed beyond the period of three months from the date of retirement or death, and it is clearly established that the delay in payment was attributable to administrative lapse, an interest at the rate applicable to General Provident Fund deposits shall be paid on the amount of gratuity, in respect of the period beyond three months :

Provided that, no interest shall be payable if the delay in payment of such gratuity was attributable to the failure on the part of the Government servant to comply with the procedure laid down in this Chapter :

Provided further that no interest shall be payable in the case where a provisional gratuity is paid.



भाग चार-अ] महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २६, २००८/अग्रहायण ५, शके १९३० ८३१

(2) Every case of delayed payment of retirement gratuity or death gratuity, as the case may be, shall *suo motu*, be considered by the concerned Administrative Department, and where the Department is satisfied that the delay in payment of such gratuity was caused on account of administrative lapse, that Department shall sanction payment of interest after obtaining the admissibility report, in this behalf, from the Accountant General (Accounts and Entitlement), Maharashtra, Mumbai or Nagpur, as the case may be. The approval of the Finance Department for payment of such interest shall not be necessary.

(3) In all cases, where interest has been paid on retirement gratuity or death gratuity, as the case may be, due to administrative lapse, the concerned Administrative Department shall fix the responsibility and take disciplinary action against the Government servant or servants concerned, including the concerned officer, who are found responsible for the delay in the payment of such gratuity and recover the amount of interest required to be paid from the Government Servant or servants concerned including the concerned officer who are found responsible for the delay in the payment of such gratuity.

3. In Rule 129 (B) of the principal Rules, for sub-rules (1) to (4), the following sub-rules shall be substituted and shall be deemed to have been substituted with effect from 24th April 1995, namely :—

(1) Where the payment of pension or family pension authorised after six months from the date when its payment became due, an interest at the rate applicable to General Provident Fund deposits shall be paid on the amount of pension, in respect of the period beyond six months :

Provided that, no interest shall be payable if the delay in payment of pension was attributable to the failure on the part of the Government servant to comply with the procedure laid down in this Chapter :

८३२ महाराष्ट्र शासन राजपत्र, असा., नोव्हेंबर २६, १९९८/अग्रहायण ५, शके १९३० [भाग चार-अ]

Provided further that no interest shall be payable for the period for which a provisional pension is paid. In case of Government Servant to whome provisional pension is sanctioned an interest as provided shall be paid after a period of six months from the cessation of provisional pension till the final pension is authorised.

(2) Every case of delayed pension or family pension, as the case may be, shall *suo motu*, be considered by the concerned Administrative Department, and where the Department is satisfied that the delay in payment of such pension was caused on account of administrative lapse, that Department shall sanction payment of interest after obtaining the admissibility report in this behalf from the Accountant General (Accounts and Entitlement), Maharashtra, Mumbai or Nagpur, as the case may be. The approval of the Finance Department for payment of such interest shall not be necessary.

(3) In all cases, where interest has been authorised on pension or family pension, as the case may be, due to administrative lapse, the concerned Administrative Department shall fix the responsibility and take disciplinary action against the Government servant or servants concerned, including the concerned officer, who are found responsible for the delay in the payment of such pension and recover the amount of interest required to be paid from the Government Servant or servants concerned including the concerned officer who are found responsible for the delay in the payment of such pension

4. This Notification is available on the web site of Government of Maharashtra i.e. "www.maharashtra.gov.in" and its computer code number is 20081107160847001.

By order and in the name of the Governor of Maharashtra,

N. B. WADEKAR,

Deputy Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

प्रति,

महालेखापाल (लेखा व अनुज्ञेयता)-१, महाराष्ट्र, मुंबई (८० प्रती),  
 महालेखापाल (लेखा परीक्षा)-१, महाराष्ट्र, मुंबई (८० प्रती),  
 महालेखापाल (लेखा व अनुज्ञेयता)-२, महाराष्ट्र, नागपूर (४० प्रती),  
 महालेखापाल (लेखा परीक्षा)-२, महाराष्ट्र, नागपूर (४० प्रती),  
 अधिदान व लेखा अधिकारी, मुंबई (४० प्रती),  
 निवासी लेखापरीक्षा अधिकारी, मुंबई (५ प्रती),  
 मुख्य लेखापरीक्षक, स्थानिक निधी लेखा, नवी मुंबई,  
 संचालक, माहिती व जनसंपर्क विभाग, मंत्रालय, मुंबई (५ प्रती)  
 ग्रंथपाल, महाराष्ट्र विधानमंडळ सचिवालय ग्रंथालय, सहाय्य मजला, विधानमण्डल,  
 मुंबई ४०० ०३२,  
 राज्यपालांचे सचिव,  
 मुख्यमंत्र्यांचे सचिव,  
 सर्व मंत्री यांचे खाजगी सचिव,  
 सर्व राज्यमंत्री यांचे खाजगी सचिव,  
 \* प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई,  
 \* प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई,  
 \* सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,  
 \* सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई,  
 सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,  
 मंत्रालयातील सर्व विभाग,  
 मंत्रालयाच्या निरनिराळ्या विभागांच्या अधीन असलेल्या सर्व विभागांचे व कार्यालयांचे प्रमुख,  
 वित्त विभागातील सर्व कार्यासने (ग्रंथपाल ५ प्रती),  
 नियुक्तस्ती, कार्यासने सेवा-४.

\*पत्राद्वारे

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विलंबाने प्रदान करण्यात आलेल्या अर्जित/अर्धवेतनी र  
राख सगमूल्य रकमेवर व्याज देण्याबाबत.

महाराष्ट्र शासन,

वित्त विभाग,

शासन निर्णय, क्रमांक: अरजा 2496/20/सेवा-9,

मंत्रालय, मुंबई 400 032, दिनांक 20 जून, 1996.

- पक्षा :- (1) शासन निर्णय, वित्त विभाग, क्रमांक: पीईएन 1083/सीआर 1296/83/एसईआर-4, दिनांक 1 ऑक्टोबर, 1984. -
- (2) शासन निर्णय, वित्त विभाग, क्रमांक: वेआशि 1287/389/87/सेवा-10, दिनांक 11 ऑक्टोबर, 1988.
- (3) शासन निर्णय, वित्त विभाग, क्रमांक: अरजा 2492/26/सेवा-9, दिनांक 3 नोव्हेंबर, 1992.
- (4) शासन निर्णय, वित्त विभाग, क्रमांक: अरजा 2493/57/सेवा-9, दिनांक 7 मे, 1994.
- (5) शासन निर्णय, वित्त विभाग, क्रमांक: अरजा 2495/12/सेवा-9, दिनांक 30 मार्च, 1995.
- (6) शासन निर्णय, वित्त विभाग, क्रमांक: अरजा 2495/39/सेवा-9, दिनांक 30 नोव्हेंबर, 1995.

#### शासन निर्णय

महाराष्ट्र नागरी सेवा (रजा) नियम, 1981 च उपरोक्त उद्धृत करण्यात आलेल्या शासन निर्णयांमधील तरतुदीनुसार नियत वयमानानंतर/स्वेच्छने/गुदतपूर्व/रुग्णतेने सेवानिवृत्त होणा-या त्याचप्रमाणे, राजीनामा दिलेल्या/पुनर्नियुक्तीचा कालावधी समाप्त झालेल्या/नोटीशीद्वारे अथवा नोटीशीच्या बदल्यात वेतन व भत्ते देऊन अथवा नियुक्तीच्या अटी च शर्तीनुसार सेवा समाप्त करण्यात आलेल्या आणि सेवेत असताना मृत्यु पावलेल्या शासकीय कर्मचा-यांच्या प्रकरणी त्यांच्या सेवा-निवृत्तिच्या/सेवासमाप्तीच्या/मृत्युच्या दिनांकाला शिल्लक असलेल्या यथास्थिती अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाची रोख सगमूल्य रक्कम देण्यात येते. अर्जित/अर्धवेतनी रजेची परिगणना करण्याची विद्यमान पध्दती आता सुलभ करण्यात आलेली असल्यामुळे महाराष्ट्र नागरी सेवा (रजा) नियम, 1981 च्या नियम 68 (5) खालील टीप 2 मध्ये विहित करण्यात आलेल्या कार्यपध्दतीचा काटेकोरपणे अवलंब केल्यास, संबंधित शासकीय कर्मचा-याला त्याच्या खात्यावर शिल्लक असलेल्या अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाची सममूल्य रोख रक्कम त्याच्या सेवानिवृत्तिच्या/सेवासमाप्तीच्या/मृत्युच्या दिनांकालासून एक महिन्याच्या आत मिळण्याचा योग्यताही अडचण येऊ नये. तथापि, नियमातील तरतुदीचे/आदेशांचे काटेकोरपणे पालन होत नसल्यामुळे शिल्लक अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाची सममूल्य रोख रक्कम मिळण्यास अवाजवी विलंब होत असल्याचे शासनाच्या निदर्शनास आलेले आहे. म्हणून विलंबाने प्रदान करण्यात येणा-या अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाच्या सममूल्य रोख रकमेवर व्याज देण्यासंबंधातील प्रश्न शासनाच्या विचाराधीन होता. यासंबंधात शासनाने आता खाली निर्देशिल्याप्रमाणे निर्णय घेतला आहे.

- (1) शिल्लक अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाच्या सममूल्य रोख रकमेच्या प्रदानासाठी झालेला विलंब प्रशासकीय कारणास्तव/प्रशासनिक चुकीमुळे किंवा संबंधित कर्मचा-यांच्या नियंत्रणाबाहेरील कारणांमुळे झालेला आहे असे स्पष्टपणे प्रस्थापित होत असेल अशा प्रकरणी विलंबाच्या कालावधीसाठी व्याज देण्यात येईल.

## (2) व्याज प्रदानासाठी विलंबाचा कालावधी --

- (अ) निर्मित प्रकरणी (विभागीय चौकशीची प्रकरणे वगळून) शासकीय कर्मचा-यांच्या सेवानिवृत्तिच्या/सेवा समाप्तीच्या/मृत्युच्या दिनांकापासून, एक महिन्यांनंतरचा असेल.
- (ब) निलंबनाधीन असताना नियत प्रमाणानुसार सेवानिवृत्त झालेल्या व अर्जित/अर्धवेतनी रजेच्या संबंधातील रजा वेतनाची रागमूल्य रोख रक्कम रोखून ठेवण्यात आली आहे अशा प्रकरणी -

- (i) संबंधित कर्मचा-याची विभागीय चौकशीअंती पूर्णपणे निर्दोष मुक्तता झाली असल्यास व त्याचे निलंबन असमर्थनीय ठरविण्यात आले असल्यास त्याच्या सेवानिवृत्तिच्या दिनांकापासून एक महिन्यांनंतरचा असेल.
- (ii) संबंधित कर्मचारी दोषी ठरला असल्यास व त्याचे निलंबन समर्थनीय ठरविण्यात आले असल्यास विभागीय चौकशीसंबंधातील अंतिम आदेश निर्गमित झाल्याच्या दिनांकापासून एक महिन्यांनंतरचा असेल.
- (iii) विभागीय चौकशी सुरू असताना मृत्यु पावलेल्या कर्मचा-यांच्या प्रकरणी विभागीय चौकशी संपुष्टात आणणा-या आदेशाच्या दिनांकापासून एक महिन्यांनंतरचा असेल.

(3) विलंबाच्या कालावधीसाठी सर्वसाधारण भविष्य निर्वाह निधीच्या ठेवीवर लागू असलेल्या व्याज दराप्रमाणे व्याज देण्यात यावे. (सध्या हा दर वार्षिक 12% वाढीक चक्रवादीने आहे).

(4) व्याज प्रदानाच्या प्रत्येक प्रकरणावर संबंधित मंत्रालयीन प्रशासकीय विभाग स्वाधिकारे विचार करील आणि रोख रागमूल्य प्रदान करण्यातील विलंब हा प्रशासकीय कारणास्तव झालेला आहे याबाबत खाली पटल्यावर व्याजाचे प्रदान करील.

(5) व्याज द्यावयाचे आहे अशा सर्व प्रकरणी विलंबाची जबाबदारी निश्चित करून, संबंधित जबाबदार कर्मचा-यावर ध्दे (अधिकारी धरून) शिल्लभाची कारवाई स्वतंत्रपणे करण्यात यावी. मात्र अशी कारवाई पूर्ण होईपर्यंत व्याजाचे प्रदान रोखून ठेवण्यात येऊ नये.

(6) शिल्लभाची कारवाई वेळेवर आणि योग्य रितीने होत आहे याची खातरजमा करून मंत्रालयीन प्रशासकीय विभागांनी या शासन निर्णयाच्या सोबत जोडलेल्या विहित नमुन्यात तिगाही अहवाल वित्त विभागाकडे पाठवावा.

2. हे आदेश दिनांक 1 एप्रिल, 1996 पासून अंमलात येतील. या दिनांकापूर्वी सेवानिवृत्त/सेवा समाप्त झालेल्या किंवा सेवेत असताना मृत्यु पावलेल्या शासकीय कर्मचा-यांच्या प्रकरणी शिल्लक अर्जित/अर्धवेतनी रजेच्या संबंधात रजा वेतनाच्या रागमूल्य रोख रकमेच्या प्रदानासाठी, सेवानिवृत्तिच्या/सेवा समाप्तीच्या/मृत्युच्या दिनांकापासून एक महिन्यापेक्षा जास्त विलंब झाला असल्यास व दिनांक 1 एप्रिल, 1996 पर्यंत रजेच्या रोख सममूल्याचे प्रदान करण्यात आले नसेल अशा प्रकरणी देखील हे आदेश लागू राहतील. तथापि, व्याजाचे प्रदान, सेवानिवृत्तिच्या/सेवा समाप्तीच्या/मृत्युच्या दिनांकापासून एक महिन्यांनंतरचा दिनांक किंवा 1 एप्रिल, 1996 या पैकी जो नंतरचा दिनांक असेल, त्या दिनांकापासून देण राहिल.

3. याबाबत होणा-या खर्च, रजेचे रोख सममूल्य ज्या लेखा शीर्षाव्याली खर्ची घालण्यात येते त्या लेखा शीर्षाव्याली खर्ची घालण्यात येणा-या चालत्याव्याली मंजूर केलेल्या अनुदानातून भागविण्यात यावा.

4. महाराष्ट्र नगरी सेवा (रजा) नियम, 1981 मधील यासंबंधीच्या तरतुदींमध्ये या शासन निर्णयाच्या तरतुदीपुरती सुधारणा करण्यात आली असे मानण्यात यावे. उपरोक्त नियमात यथावकाश रितसर सुधारणा करण्यात येईल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

वसन्त चौधरी,  
शासनाचे अवर सचिव.

प्रा.ते.

महाराष्ट्रपाल (लेखा व अनुज्ञेयता)-1, महाराष्ट्र, मुंबई (80 प्रती),  
महाराष्ट्रपाल (लेखापरीक्षा)-1, महाराष्ट्र, मुंबई, (80 प्रती),  
महाराष्ट्रपाल (लेखा व अनुज्ञेयता)-2, महाराष्ट्र, नागपूर (40 प्रती),  
महाराष्ट्रपाल (लेखापरीक्षा)-2, महाराष्ट्र, नागपूर (40 प्रती),  
संचालक, लेखा व कोषागारे, मुंबई,  
अधिकाऱ्या व लेखा अधिकारी, मुंबई (40 प्रती),  
निवासी लेखापरीक्षा अधिकारी, मुंबई (5 प्रती),  
मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, नवी मुंबई,  
राज्यपालांचे सचिव,  
मुख्य मंत्र्यांचे व उप मुख्य मंत्र्यांचे सचिव,  
सर्व मंत्री यांचे खाजगी सचिव,  
सर्व राज्यमंत्री यांचे खाजगी सचिव,  
\* प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई,  
\* प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई,  
\* प्रबंधक, लोक आंशुक्त व उप लोक आंशुक्त यांचे कार्यालय, मुंबई,  
\* सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,  
\* सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई,  
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,  
मंत्रालयीन सर्व विभाग,  
मंत्रालयाच्या निरनिराळ्या विभागांच्या अधीन असलेल्या सर्व विभागांचे व कार्यालयांचे प्रमुख,  
वित्त विभागातील सर्व कार्यासंगे (ग्रंथपाल 5 प्रती),  
निवड गस्ती, कार्यासन सेवा-9.

\* पत्राद्वारे.

(शासन निर्णय, वित्त विभाग, क्रमांक: अजा 2496/20/सेवा-9, दिनांक 20 जून 1996 चे जोडपत्र.)

वि व र ण प त्र

विलंबाने प्रदान करण्यात आलेल्या अर्जित/अर्धवेतनी रवेच्या रोड सममूल्य रकमेवर मंजूर करण्यात आलेल्या व्याजाचा तपशील दर्शविणारे तिमाही विवरणपत्र.

विभागाचे नाव :-

\* 31 मार्च, \* 30 जून, \* 30 सप्टेंबर, \* 31 डिसेंबर अखेरीस संपणा-या तिमाहीचे विवरणपत्र.

अ. क्र.	सेवानिवृत्त/सेवा स्माप्त झालेल्या/मृत्यु पावल्याना शासकीय कर्मचाऱ्याचे नाव.	पदनाम	सेवानिवृत्तिचा/सेवातमाप्तीचा/मृत्युचा दिनांक	अर्जित/अर्धवेतनी रजेचे रोड सममूल्य प्रत्यक्ष प्रदान करण्यात आलेला दिनांक.	व्याज प्रदान करण्यात आलेला कालावधी	प्रदान करण्यात आलेल्या व्याजाची रक्कम.	विलंबासाठी विलंबासाठी जबाबदार असलेल्या कर्मचारी/अतिरिक्ती याचे नाव व पदनाम	विलंबासाठी जबाबदार असलेल्या कर्मचारी/अतिरिक्ती याचे नाव व पदनाम	गर्जे-विरुद्ध करण्यात आलेली कार्यवाही.
1	2	3	4	5	6	7	8	9	10

\* सांगू नसलेले खोबरे.



महाराष्ट्र शासन,  
वित्त विभाग,

शासन निर्णय क्रमांक: गविपो-१०९२/प्र.क्र. २/९२/लेपवि.  
मंत्रालय, मुंबई ४०० ०३२, दिनांक २७ मे १९९२.

संदर्भ:- [१] शासन निर्णय, वित्त विभाग, क्रमांक डीओआय २०८१/४७०१/एडीएम-५,  
दिनांक २६ एप्रिल १९८२,

[२] शासन निर्णय, वित्त विभाग, क्रमांक गविपो ११८३/प्र.क्र. ६६/८४/प्रशा-५,  
दिनांक २८ फेब्रुवारी १९८६.

[३] शासन परिपत्रक, वित्त विभाग, क्रमांक गविपो ११८५/प्र.क्र. ३५२/८५/एडीएम-५,  
दिनांक ७ मे १९८६.

### प्रस्तावना

महाराष्ट्र राज्य शासकीय कर्मचारी गट विमा योजना, १९८२ ही सर्व राज्य शासकीय कर्मचा-  
-यांना मे १९८२ पासून सक्तीने लागू करण्यात आलेली आहे. ही योजना स्वयंप्रचलित व स्वयंपूर्ण  
असून कर्मचा-यांना किंवा त्यांच्या वारसांना/कुटुंबियांना अनुज्ञेय असलेल्या विमा निधी/बचत निधी  
मधील रक्कम प्रदान करण्याबाबतच्या तरतुदी योजनेच्या परिच्छेद ११.१ ते ११.९ मध्ये दिलेल्या  
आहेत. असे असूनही राज्य शासनाच्या विविध विभागातून/कार्यालयातून सेवानिवृत्त होणा-या  
कर्मचा-यांना, सेवा संपुष्टात आलेल्या कर्मचा-यांना अथवा सेवेत असताना अकाली निधन झालेल्या  
कर्मचा-यांच्या वारसांना/कुटुंबियांना गट विमा योजनेतील प्रदेय रकमा मंजूर करण्याबाबतचे आदेश  
काढण्यात तसेच मंजुरीनंतर प्रदेय रकमा देण्यात काही प्रकरणी बराच कालावधी होत असल्याचे  
आढळून आले आहे. परिणामतः योजनेचा उद्देश फलदाय होत नाही. तथापि, योजना स्वयंप्रचलित  
व स्वयंपूर्ण असल्यामुळे प्रदेय रक्कम देण्याबाबत विलंब लागण्याची शक्यता घाटत नसल्यामुळे मूळ  
योजनेत टयाज देण्याची तरतुद समाविष्ट करण्यात आलेली नव्हती व त्यामुळे अजूनपर्यंत टयाज  
देण्याचा फ्रान उद्भवला नाही. मध्यंतरी काही प्रकरणी संबंधित कर्मचारी अथवा कर्मचा-यांच्या  
वारसांनी मा. लोक आयुक्तांकडे तक्रार केली असता मा. लोक आयुक्तांनी चौकशी केली. या प्रकरणी  
तदोष विलंब झाला असल्याचे लोक आयुक्तांच्या नजरेत आल्यामुळे व परिणामतः कर्मचा-यांना/  
कर्मचा-यांच्या वारसांना अनावश्यक त्रास व नुकसान सहन करावे लागल्यामुळे मा. लोक आयुक्तांनी  
नुकसान भरपाई म्हणून संबंधित कर्मचा-यांना अथवा त्यांच्या वारसांना विलंब कालावधीसाठी टयाज  
देण्याची शिफारस केली. या संदर्भात शासनाने संपूर्ण परिस्थितीचे पुनर्विलोकन करून नियत वयोमाना-  
नुसार सेवानिवृत्त झालेल्या कर्मचा-यांना/सेवा संपुष्टात आलेल्या कर्मचा-यांना अथवा सेवेत असताना  
निधन पावलेल्या शासकीय कर्मचा-यांच्या वारसांना, त्यांचा वैयक्तिक दोष नसताना प्रशासकीय  
घुकीमुळे गट विमा योजनेची रक्कम मिळण्यात विलंब लागत असल्यामुळे, या विलंबाबाबत टयाज प्रदान  
करण्याचा प्रस्ताव शासनाच्या विचाराधीन होता.

### निर्णय

शासन आता असे आदेश देत आहे की -

- [१क] नियत वयोमानानुसार सेवानिवृत्त झालेल्या कर्मचा-यांना त्यांच्या सेवानिवृत्तीच्या दिनांका-  
पासून अथवा राज्य शासनाकडील त्यांची सेवा संपुष्टात आलेल्या कर्मचा-यांना त्यांची सेवा  
संपुष्टात आल्याच्या दिनांकापासून किंवा सेवेत असताना अकाली निधन पावलेल्या कर्मचा-  
-यांच्या वारसांना/कुटुंबियांना संबंधित कर्मचा-यांच्या मृत्यूच्या दिनांकापासून गट विमा  
योजनेच्या लागू रक्कम सर्व आवश्यक बाबींची पूर्तता करून तीन महिन्यांच्या आत  
देण्यात यावी:

[दोन] सेवानिवृत्तीच्या वेळी कर्मचा-याविषयक विभागीय/न्यायिक कार्यवाही प्रलेखित असली तरी गट विमा योजनेची प्रदेय रक्कम सेवानिवृत्तीच्या दिनांकापासून तीन महिन्यांच्या आत देण्यात यावी;

[तीन] परीक्ष बाब क्रमांक १ व २ येथे नमूद केल्याप्रमाणे सेवानिवृत्त कर्मचा-यांना किंवा राज्य शासनाकडील सेवा संपुष्टात आलेल्या कर्मचा-यांना किंवा सेवेत असताना निधन पावलेल्या कर्मचा-यांच्या वारसांना किंवा कुटुंबियांना त्यांचा घेयवसीक दोष नसताना प्रशासकीय चुकीमुळे गट विमा योजनेची रक्कम तीन महिन्यांच्या आत प्रदान करण्यात न आल्यात या कालावधीनंतरच्या किंवा कालाधीकरीता बघत निधीवर ज्या दराने च्याज दिले जाते त्या दराने च्याज अनुज्ञेय राहिल;

[चार] बाब क्रमांक ३ अनुसार किंवा कालावधीसाठी च्याज अनुज्ञेय असले तरी अशा प्रत्येक प्रकरणी संबंधित प्रशासकीय विभागाने वित्त विभागाशी विचारविनिमय करून अंतिम निर्णय घ्यावा;

[पाच] गट विमा योजनेची प्रदेय रक्कम प्रदान करण्यात प्रशासकीय चुकीमुळे किंवा झाला असल्यात या चुकीत जबाबदार असणा-या कर्मचारी/अधिका-याविषयक शिस्तभंगाची कार्यवाही करण्यात यावी व या प्रकरणी देय असलेली च्याजाची रक्कम या जबाबदार कर्मचारी/अधिकारी यांचे-कडून वसूल करण्यात यावी. मात्र, किंवा कालावधीसाठी देय असलेली च्याजाची रक्कम ही गट विमा योजनेच्या प्रदेय रकमेबरोबरच, या प्रकरणात करण्यात येणा-या कार्यवाहीच्या निर्णयाची प्रतिका न करता तात्काळ देण्यात यावी;

[सहा] खांदा प्रकरणी एकापेक्षा अधिक वारसांनी चिन्म्याच्या रकमेवर हक्क दाखल झाला असल्यात, जर चिन्म्याची रक्कम रोखून ठेवण्यात आली असेल तर अशा प्रकरणी आयोजाफ च्याज देय ठरपार नाही. असे प्रत्येक प्रकरण गुणवत्तेनुसार वित्त विभागाच्या संमतीने तपासून अंतिम निर्णय घेण्यात यावा.

२. या आदेशाच्या दिनांकापूर्वी सेवानिवृत्त झालेल्या/सेवा समाप्त झालेल्या शासकीय कर्मचा-यांच्या किंवा सेवेत असताना मृत्यु पावलेल्या शासकीय कर्मचा-यांच्या वारसांना/कुटुंबियांना गट विमा योजनेच्या प्रदानासाठी निवृत्तीच्या/सेवा समाप्तीच्या/मृत्युच्या दिनांकापासून तीन महिन्यांपेक्षा अधिक किंवा झाला असेल व हे आदेश निर्गमित होण्याच्या दिनांकापर्यंत त्यांना रकमेचे प्रदान करण्यात आलेले नसेल अशा प्रकरणीदेखील हे आदेश लागू राहतील. तथापि, अशा प्रकरणी च्याजाचे प्रदान हे आदेश निर्गमित झाल्याच्या दिनांक किंवा निवृत्तीच्या/सेवा समाप्तीच्या/मृत्युच्या दिनांकापासून तीन महिन्यांचा कालावधी यापेकी जो नंतरचा दिनांक असेल त्या दिनांकापर्यंत देय राहतील.

३. नियम घडोमान किंवा इतर कारणास्तव सेवानिवृत्ती/सेवा समाप्ती/मृत्युची जी प्रकरणे हे आदेश निर्गमित करण्याच्या क्रमेवर अंतिमतः निकालात काढलेली आहेत ती पुन्हा हळू करण्यात येऊ नयेत.

४. हे आदेश निर्गमित झाल्याच्या दिनांकापासून अमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

जी.ग. खे.

उप सचिव, वित्त विभाग.

प्रति

[१] महालेखापाल [सेवा व अनुज्ञेयता]-१, महाराष्ट्र, मुंबई.

[२] महालेखापाल [सेवा व अनुज्ञेयता]-२, महाराष्ट्र, नागपूर.

[३] महालेखापाल [सेवा परीक्षा]-१, महाराष्ट्र, मुंबई.

- [४] महालेखापाल [लेखा परीक्षा]-२, महाराष्ट्र, नागपूर.
- [५] संपालक, लेखा व कोषागार, मुंबई.
- [६] अधिदान व लेखा अधिकारी, मुंबई.
- [७] निवासी लेखा परीक्षा अधिकारी, मुंबई.
- [८] राज्यपालाधि सचिव,
- [९] मुख्य संचयि सचिव,
- [१०] सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव,
- [११] मंत्रालयातील सर्व विभाग,
- [१२] सर्व विभागीय आयुक्त,
- [१३] मंत्रालयाच्या सर्व विभागावरील विभाग प्रमुख/कार्यालय प्रमुख,
- \* [१४] प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई.
- \* [१५] प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई.
- \* [१६] सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई.
- \* [१७] सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
- \* [१८] प्रबंधक, लोक आयुक्त व उप लोक आयुक्त यांचे कार्यालय, मुंबई.
- [१९] मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण मंडळ, वाशी, नवी मुंबई.
- [२०] उप मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, मुंबई/पुणे/नागपूर/औरंगाबाद/नाशिक/अमरावती.
- [२१] सर्व जिल्हा कोषागार अधिकारी व उप कोषागार अधिकारी.
- [२२] विशेष आयुक्त, महाराष्ट्र तदन, कोषनिष्ठ रोड, नवी दिल्ली.
- [२३] जनसंपर्क अधिकारी, मंत्रालय, मुंबई.
- [२४] सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी.
- [२५] संपालक, नगरपालिका प्रशासन, मुंबई.
- [२६] वित्त विभागातील सर्व कार्यातने.
- [२७] निवड नस्ती, कार्यातन-अधिव.

\* पत्राव्हारे.



अपिलExh - D

37

श्री.संजय नागनाथ जाधव,  
सेवानिवृत्त कनिष्ठ लिपीक,  
जिल्हा महिला व बाल विकास अधिकारी,  
सोलापूर दि.०७/१२/२०२३

प्रति,  
मा.उपआयुक्त साो (प्रशासन)  
महिला व बाल विकास, महाराष्ट्र राज्य,  
पुणे- ४११००१.

विषय:- नियमित सेवा निवृत्ती वेतन/ उपदान इ. सेवानिवृत्ती विषय  
लाभ मिळणे बाबत.....

संदर्भ:- जिल्हा महिला व बालविकास-अधिकारी, सोलापूर-यांचे पत्र  
क्र.जिमबाविअसो/आस्था/ सोलापूर २०२३=२०२४/  
२३५५ दि.०७/११/२०२३ चे पत्र.

आदरणीय महोदय,

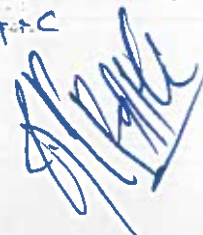
जिल्हा महिला व बालविकास अधिकारी, सोलापूर या कार्यालयात मी  
कनिष्ठ लिपीक या पदावर कार्यरत असतांना दि.३०/०६/२०२३ रोजी माझ्या  
वयाची ५८ वर्षे पूर्ण झाल्याने मला दि.३०/०६/२०२३ पासून शासकिय सेवेतून  
सेवानिवृत्त करण्यात येऊन कार्यमुक्त केल्या बाबतचे आदेश मा.जिल्हा महिला व  
बालविकास अधिकारी, सोलापूर यांनी जावक क्र.जिमबाविअसो/आस्था/  
सोलापूर/ २००३-२०२४/९७४ दि.२६/०६/२०२३ रोजीचे आदेश बजावून  
मला नियत वयोमानानुसार शासकिय सेवेतून सेवा निवृत्त करण्यात आले आहे.

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आणि अंतीम सेवा निवृत्ती वेतनाची रक्कम नियम क्र.१२९-बी नुसार सेवानिवृत्ती

लिपीक

जिल्हा महिला व बाल विकास अधिकारी

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नंतर सहा महिन्याच्या आंत अदा करणेबाबतची दक्षता घेऊन त्यानुसार माझे सेवा निवृत्ती वेतन प्रकरण महालेखापाल-१ (लेखा व अनुज्ञेयता) या कार्यालयाकडे मंजूरीस्तव पाठविणे आवश्यक होते. तथापी अशी कार्यवाही न करता मला दि.०१/०७/२०२३ पासून तात्पुरते सेवा निवृत्ती वेतन मंजूर करण्यात आलेले आहे. माझी अशी धारणा झाली होती की, सेवानिवृत्ती वेतन प्रकरणातील कागदपत्राची पूर्तता करण्या संबंधी कार्यालयाकडून विलंबाची शक्यता असावी म्हणून मला तात्पुरते सेवा निवृत्ती वेतन देण्यात येत असावे परंतु माझ्या आर्थिक अडचणीमुळे तात्पुरते उपदान मंजूर करण्याविषयी दि.२७/१०/२०२३ रोजी जिमबाविअ यांचेकडे माझ्याकडून व अर्ज दाखल करण्यात आला असता माझ्या विरुद्ध एम.आय.डी.सी. पोलीस ठाणे, सोलापूर येथे गु.र.नं.४८८/२०२० गुन्हा र.नं.१९/२०१९ आणि गु.र.नं.३४/२०१५ असे गुन्हे दाखल असून न्याय प्रविष्ट असता महा. नागरी सेवा (निवृत्ती वेतन) नियम १९८२ मधील नियम क्र.१३०(१)(सी) अन्वये न्यायीक कारवाई प्रलंबित असल्याने उपदान अनुज्ञेय होत नाही असे मला संदर्भाधिन पत्रान्वये कळविण्यात आले जि.म.बा.वि.अधिकारी, सोलापूर यांचे दि.०७/११/२०२३ च्या पत्राची प्रत सोबत जोडण्यात आली आहे.

माझ्या वरील दाखल गुन्ह्यासंबंधात माझ्या दि.१३/०२/२०२३ च्या अर्जान्वये सविस्तर खुलासा आपल्या कार्यालयास सादर केलेला आहे. कृपया सदरील खुलासा अर्जाचे पुर्ननिरीक्षण करावे अशी विनम्र प्रार्थना आहे. अर्ज सोबतीची कागदपत्रे पहावीत.

जागेच्या मालकी हक्क, कब्जा वहिवाट याबाबत न्यायालयात दिवाणी दावे दाखल असता विरुद्धातील सामेवाले श्री.वंगा व इतर आणि श्रीमती शकुंतला सुर्यवंशी या पक्षकाराना मी सरकारी नोकरीत असल्याचे समजल्यावरून स्थानिक नगर सेवक आणि त्यांच्या समाज्याच्या पुढाऱ्यांनी दिवाणी न्यायालयीन प्रकरणाचे रूपांतरीत क्रिमीनल गुन्ह्यात केस करता येईल या संबंधात पूर्व नियोजन करून

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum. The structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum. The structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

The second part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum. The structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum. The structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.



संगनमताने एम.आय.डी.सी. पोलीस ठाणे सोलापूर येथे क्रिमीनल गुन्ह्याचे कलमे लावून मला सह आरोपी करण्यात आले आहे. वरील तिन्ही गुन्ह्यात माझी मयत पत्नी सौ.अनिता ही मुख्य आरोपी आहे.

वरील तिन्ही न्यायालयीन प्रकरणाची सद्यस्थिती अशी आहे की, -

गुन्हा र.नं.३४/२०१५ सदर न्यायालयीन प्रकरणाचा निकाल माझ्या बाजूने लागला असून त्यातील तक्रारदार श्रीमती शकुंतला सुर्यवंशी ह्या मयत झालेल्या आहेत. गुन्हा र.नं.१९/२०१९ या न्यायालयीन प्रकरण अंतीम टप्प्यात असून न्यायालयीन आदेशावर आहे आणि गुन्हा र.नं.४८८/२०२० हे प्रकरण अद्याप बोर्डावरच आलेले नाही सद्या न्यायाधिश महाशयानी अद्यापही गुन्हाची दखल घेतलेली नसल्याने Non Cognizable आहे.

गुन्हा नं.१९/२०१९ आणि गुन्हा र.नं.४८८/२०२० यातील माझे विरुद्धचे तक्रारदार श्री.यादगीरी वंगा आणि इतर या आरोपी विरुद्ध माझी पत्नी सौ.अनिता हीला जिवानिशी ठार मारण्यात आले संबंधात एम.आय.डी.सी. पोलीस ठाणे सोलापूर येथे जिवानिशी ठार मारल्याने मनुष्य वधाचा गुन्हा दाखल झाल्याने आरोपी श्री.यादगीरी वंगा व इतर गुन्हेगार हे फरार झाले होते. माझ्या पत्नीस श्री.यादगीरी वंगा व इतर या गुन्हेगारानी जबरी मारहाण केल्यानंतर सोलापूर येथील मार्कडेय रुग्णालय मध्ये उपचारानंतर माझी पत्नी चे दि.३१/०१/२०२१ रोजी निधन झाले.

माझ्यावर दाखल गु.र.नं.४८८/२०२०, गु.र.नं.१९/२०१९ आणि गु.र.नं.३४/२०१५ या गुन्हे प्रकरणात माझ्या प्रत्यक्ष सहभागच नसल्याने माझे विरुद्ध पोलीस कोठडी अथवा न्यायालयीन कोठडी पोलीस खात्यास मिळू शकली नाही. त्यामुळे माझे निलंबन झालेले असून मला दि.३०/०६/२०२३ रोजी सेवानिवृत्त होणेस कार्यालयाने मान्यता दिलेली आहे. अशी वस्तुस्थिती असताना माझ्यावरील तिन्ही गुन्हे हे व्यक्तिगत वादा वरून पुर्णतः खाजगी स्वरूपाचे असून माझ्या कार्यालयीन कामा संबंधातील नसल्याने माझे कार्यालयीन



काम काजाशी कांही एक संबंध नसलेले म्हणजे Discharge of duty शी संबंधीत नसलेले गुन्हे आहेत.

अपीलास कारण असे की, मा.जिल्हा महिला व बाल विकास अधिकारी यांचे पत्र क्र.जिमबाविअसो/आस्था/सोलापूर २०२३-२०२४/ २३५५ दि.०७/११/२०२३ च्या माझे सेवानिवृत्ती विषयक नियमित अंतिम लाभ देण्याचे नाकारण्यात आल्याने सदरचे अपील आपले चरणाविंद दाखल करणे भाग पडत आहे.

१) माझ्याकडून शासनाचे कोणत्याही स्वरूपाची आर्थिक नुकसानी झालेली नाही. त्या शिवाय शासनास माझ्याकडून कोणत्याही स्वरूपाची आर्थिक वसूली येणेबाकी नाही आणि कोणताही आर्थिक घोराळा/ प्रमाद माझा कडून घडलेला नाही.

२) मा.जिल्हा महिला बालविकास अधिकारी, सोलापूर यांनी माझे सेवानिवृत्ती वेतन प्रकरण अडवून ठेवून अंतीम उपदान आणि अंतिम सेवा निवृत्ती वेतन अदा केलेले नाही.

३) माझे सेवा निवृत्ती वेतन प्रकरण महालेखापाल-१ (लेखा व अनुज्ञेयता) मुंबई यांनी अद्यापही पाठवून दिलेले नाही. माझे सेवा निवृत्ती वेतन प्रकरण तात्काळ महालेखापाल मुंबई यांना पाठविण्याबाबत सुचित करावे.

४) माझ्या वरील न्यायालयात दाखल गुन्हाचा निकाल लागण्याचा कालावधी हा अनिश्चित आहे. तरी निकालाची प्रतीक्षा करण्याची आवश्यकता करणे कायदेशीर ठरत नाही.

५) माझ्या वरील दाखल गुन्हे हे माझ्या कार्यालयीन कामकाजाशी तथा Discharge of My duty च्या संबंधीत नाहीत.

६) माझे सेवानिवृत्ती विषयक लाभ देण्याच्या संबंधात तंतोतंत लागू पडणारे न्यायालयीन प्रकरणे तथा न्याय निवाडे असे की-----



ओरिजन अप्लीकेशन नं.३४६ ऑफ २०२१ महाराष्ट्र अॅडमिनीस्ट्रेटिव्ह ट्रिब्युनल बेन्च औरंगाबाद- श्री.दिलीप परबत पाटील विरुध्द १) महाराष्ट्र शासन. २) डायरेक्टर जनरल ऑफ पोलीस मुंबई. ३) सुपरिन्टेंडन्ट ऑफ पोलीस नांदेड. ४) अकौंटन्ट जनरल (अे अॅण्ड ई) नागपूर.

या प्रकरणातील दि.१७/०७/२०२२ रोजी दिलेला न्याय निवाडा यातील. पान क्र.१२ मुद्दा क्र.११ आणि पान क्र.१२ व पान क्र.१३ वरील मुद्दा क्र.१२ तसेच पान क्र.१५ वरील मुद्दा क्र.१५ आणि पान क्र.१६ वरील आदेश कृपया यातील आदेशाचे अवलोकन व्हावे.

७) निवृत्ती वेतन हा कर्मचाऱ्याचा मूलभूत हक्क, निवृत्ती वेतन हे बक्षीस किंवा नियोक्त्याच्या इच्छेवर किंवा कृपेवर अवलंबून असलेले देय आणि हक्क म्हणून त्यावर दावा करू शकत नाही ही जूनी धारणा चुकीची आहे. न्यायालयाने निकाल देतांना हे प्रकरण डोळे उघडणारे सरकारी अधिकाऱ्यांनी आपल्या कर्मचाऱ्यांचा तक्रारीची तातडीने निवारण केले तर त्यांना न्यायालयात यावे लागणार नाही. सरकारी अधिकाऱ्यांची इच्छा असेल तर असे अनेक मुद्दे विभागीय पातळीवर सोडविले जाऊ शकतात त्यासाठी न्यायालयाच्या आदेशाची आवश्यकता नसते असे निरीक्षणे मांडलेल्या पैकी एका न्यायालयीन निकालाचा आधार माझे प्रकरणात घेण्यात यावा तो न्याय निवाडा असा की-----

बॉम्बे हायकोर्ट रिट पिटिशन नं.३७५३ ऑफ २०२३ श्री.जयराम बाबुराव मोरे विरुध्द १) महाराष्ट्र शासन २) डायरेक्टर ऑफ हायर एज्युकेशन ३) जाईट डायरेक्टर ऑफ हायर एज्युकेशन, पुणे ४) सावित्रीबाई फुले युनिव्हर्सिटी ---

-----या प्रकरणातील दि.२१/११/२०२३ रोजी दिलेला न्याय निवाडा यातील पान क्र.२ वरील मुद्दा क्र.२ आणि पान क्र.११ चे कृपया अवलोकन करावे.

८) वरील न्याय निर्णय विचारात घेता मा.जिल्हा महिला बालविकास अधिकारी, सोलापूर यांनी महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम १९८२

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मधील नियम क्र.१३०(१) (सी) हा नियम सरकारी कामकाजासंबंधात न्यायालयीन प्रकरण अथवा विभागीय चौकशी प्रकरण प्रलंबित असताना उपदान दिले जाणार नाही. असा त्याचा योग्य व बरोबर यतीतार्थ घेण्याऐवजी माझे खाजगी न्यायालयीन प्रकरण प्रलंबित असताना सदरचा नियम हा माझ्या प्रकरणात लागू होत नाही. यांची दि.२१/११/२०२३ च्या न्याय निर्णयातील निरीक्षणे सहानुभूतीपूर्वक विचारात घेऊन माझे सेवा निवृत्ती वेतन प्रकरण महालेखापाल मुंबई यांचेकडे पाठविण्याविषयी मा.जिल्हा महिला व बालविकास अधिकारी, सोलापूर यांना सुचित करावे अशी विनम्र प्रार्थना आपले चरणाविंद करीत आहे. संबंधीत कार्यालयाकडून पुढील कार्यवाही न झाल्यास मला नाईलाजास्तव न्यायालयात दाद मागावी लागेल आणि उपदान थकित ठेवले बाबत व्याजाची सुध्दा मागणी करावी लागेल पण तशी वेळ येणार नाही याबाबत मी आशावादी आहे.

आजरोजी अपील सादरपूर्वक सविनय सादर करीत आहे.

आपला विश्वासू



(संजय मागमाथ जाधव)  
सेवा निवृत्त कनिष्ठ लिपीक

सोबत-

- १) जि.म.बा.वि. अधिकारी सोलापूर यांचे दि.०७/११/२०२३ पत्राची प्रत.
- २) मॅट औरंगाबाद बेंच्चा दि.१७/०७/२०२२ च्या निकालाची प्रत.
- ३) बॉम्बे हायकोर्ट रिट पिटिशन नं.३७५३/२०२३ मधील दि.२३/११/२०२३ निकालाची प्रत.

प्रत- मा.जिल्हा महिला व बालविकास अधिकारी, सोलापूर यांना सविनय सादर.

सोबत- वरील प्रमाणे न्याय निर्णयाच्या प्रती.

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जिल्हा महिला व बाल विकास अधिकारी, सोलापूर.  
सी.एस.नं.1608/9, प्लॉट नं 12 पहिला मजला, शोभा नगर, सातरस्ता  
सोलापूर.दुरध्वनी क्र. 0217-2310671

ई-मेल:- sol\_dwcdco@yahoo.co.in

जा. क्र. जिमबाविअसो/आस्था/सोलापूर/2023-24/

23/11

दि. 07/11/2023

प्रति,

श्री.संजय नागनाथ जाधव (से.नि.कनिष्ठ लिपिक)  
जिल्हा महिला व बाल विकास अधिकारी कार्यालय सोलापूर

विषय:- तात्पुरते उपदान मंजूर करणेबाबत.

संदर्भ:- १.आपला अर्ज दिनांक २७/१०/२०२३

२.मा.वरिष्ठ पोलीस निरीक्षक, एमआयडीसी,पोलीस ठाणे सोलापूर शहर याचेकडील  
पत्र क्र.८४७ दि.१४/०२/२०२३

उपरोक्त विषयास अनुसरून कळविण्यात येते कि, आपल्या सेवानिवृत्तीनंतर तात्पुरते उपदान मंजूर करणेबाबतचा दिनांक २७/१०/२०२३ रोजीचा अर्ज या कार्यालयास प्राप्त झालेला आहे. तथापि आपलेविरुद्ध खालीलप्रमाणे गुन्हे दाखल आहेत व ते अदयाप न्यायप्रविष्ट आहेत.

अ.क्र.	पोलीस ठाणे	गु.र.न.	कलम	दाखल तारीख	सद्यस्थिती
१	एम आय डी सी.पोलीस ठाणे	४८८/२०२०	भा.द.वि.कलम ४४५, ४४८, ३४	१४.०४.२०२०	न्यायप्रविष्ट
२	एम आय डी सी.पोलीस ठाणे	१९/२०१९	भा.द.वि.कलम २४१, ४६५, ४६७, ४६८, ३४	०५-०१-२०१९	न्यायप्रविष्ट
३	एम आय डी सी.पोलीस ठाणे	३४/२०१५	भा.द.वि.कलम ४२०, ४६५, ४६८, ४६९, ४७१, ३४	०२-०३-२०१५	न्यायप्रविष्ट

महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) १९८२ मधील नियम क्रमांक १३० (१) (सी) अन्वये न्यायीक कार्यवाही पूर्ण होईपर्यंत आणि त्यासंबंधातील अंतिम आदेश दिले जाईपर्यंत शासकिय कर्मचा-याला उपदान दिले जाणार नाही अशी नियमात तरतुद करण्यात आलेली आहे.

त्या अनुषंगाने आपले विरुद्ध दाखल गुन्ह्यांची न्यायिक कार्यवाही प्रलंबित असल्याने महाराष्ट्र नागरी सेवा निवृत्तीवेतन नियम क्रमांक १३० (१) (सी) अन्वये उपदान अनुज्ञेय नाही.

(आर.बी.काटकर)

जिल्हा महिला व बाल विकास अधिकारी  
सोलापूर



श्री. संजय नागनाथ जाधव  
सेवानिवृत्त कनिष्ठ लिपीक  
जिल्हा महिला व बालविकास अधिकारी,  
सोलापूर  
दि. २७ ऑक्टोबर २०२३

प्रति,  
मा. जिल्हा महिला व बालविकास अधिकारी,  
सोलापूर.

विषय : तात्पुरते उपदान मंजूर करणेबाबत..

आदरणीय महोदय,

नियत वयोमानानुसार वयाची ५८ वर्षे पूर्ण झाल्याने दि. ३० जून २०२३ (मध्यान्होत्तर) पासून मला शासकीय सेवेतून सेवानिवृत्त करण्यात येत असल्या संबंधातील नोटीस आपले कार्यालयाचे पत्र क्र. जिमबाविअसो/आस्था/सोलापूर/२०२३-२४/९७४ दि. २६/०६/२०२३ नुसार नोटीस मला बजावून सेवानिवृत्त करण्यात आले आहे. त्यानुसार मी दि. ३० जून २०२३ रोजी पासून सेवानिवृत्त झालो.

त्यानंतर सेवानिवृत्त वेतन प्रकारणातील कागदपत्रे पूर्ण करण्यात विलंबाची शक्यता असल्याने महाराष्ट्र नागरी सेवा (निवृत्ती वेतन) नियम १९८२ च्या नियम क्र. १२६ च्या पोटनियम (४) (ए) (एक) खालील तरतुदी नुसार मला दि. १ जुलै २०२३ पासून तात्पुरते सेवानिवृत्त वेतन मंजूर करून सेवा निवृत्ती वेतन अदा केले जात आहे.

तथापि माझे घर बांधकाम आणि लग्न कार्यासाठी मला पैशाची अडचण असल्याने वरील नियमाच्या पोटनियम (४) (ए) (दोन) या नियमाखालील तरतुदीनुसार मला तात्पुरते उपदान मंजूर करण्याबाबत सहानुभूतीपूर्वक विचार होवून त्वरीत तात्पुरते उपदान अदा करणेविषयी आपल्या चरणी विनम्र प्रार्थना करित आहे. याबाबत सकारात्मक आदेश होतील याबाबत आदेश होतील याबाबत मी आशावादी आहे.

आदरपूर्वक विनम्रपणे अर्ज सविनय दाखल करित आहे.

अपेक्षा विश्वास

(संजय नागनाथ जाधव)  
सेवानिवृत्त कनिष्ठ लिपीक

सोबत : सेवानिवृत्त आदेशाची प्रत

लिपीक  
जिल्हा महिला व बालविकास अधिकारी  
सोलापूर.  
३०/१०/२०२३

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## FIRST INFORMATION REPORT

पहिली खबर

(Under Section 154 Cr.P.C.)

सौ. पी. व्ही. विंगणे

(फौजदारी प्रक्रिया संहितेच्या कलम १५४ अन्वयेचे दंडाधिकारी प्रथम वा

006474

Dist. सोलापूर P. S. M.T.D.C. Year 2013 FIR No. सोलापूर. Date 02/03/99  
जिल्हा पोलीस ठाणे वर्ष पहिली खबर क्र. 38/99 तारीख

- 2 I) Act भा. 4 वि. कलम Sections 420, 484, 486, 488, 489, 37  
अधिनियम कलम प्रमाणे
- II) Act Sections  
अधिनियम कलम
- III) Act Sections  
अधिनियम कलम
- IV) Other Acts & Sections  
इतर अधिनियम व कलम

- 3 a) Occurrence of Offence : Day Date From Date To 02/03/99  
अपराधाची घटना वाट तारीख पासून तारीख पर्यंत

Time Period Time From Time to  
वेळीन वेळी पासून पर्यंत

Information received at P. S. Date 02/03/99 Time 20/34 वा.  
पोलीस ठाण्यावर प्राप्त झाल्याची तारीख वेळ

Diary Reference Entry No. (s) Time 20/34 वा.  
पोलीस ठाण्याचा संदर्भ क्र. वेळ

- 4 Type of Information Written / Oral लेखी  
माहितीचा प्रकार लेखी / तोंडी

- 5 Place of Occurrence : a) Direction and Distance from P. S. Boat No. नई जिंदगी  
घटनेचे ठिकाण पोलीस ठाण्यापासून दिशा व अंतर गस्त क्षेत्र क्र.

- b) Address विठ्ठल नगर, वेळूदे नगर गवळ, मजेरेवाडी येथील गुला हॉटेल नं 250/4  
पत्ता व नवीन संकेत नं 35/2 व पेकी परिसर व इमिंग बाजूकडील 9030 नो. पी. व्ही. नं. 1

- c) In case outside Limit of this Police Station, then the  
या पोलीस ठाण्याच्या हद्दीच्या बाहेर असल्यास, त्या पोलीस ठाण्याचे नांव

Name of P. S. Dist.  
पोलीस ठाणे जिल्हा

- 6 Complaint / Informant :  
तक्रारदार / खबरी

- a) Name श्री. शकुंतल बहुरंग कुर्विशी  
नांव

- b) Father's / Husband's Name  
विलास नांव / पतीचे नांव

- c) Date / Year of Birth 82 वर्ष d) Nationality भारतीय  
जन्म तारीख / वर्ष राष्ट्रीयत्व

- e) Passport No. Date of Issue Place of Issue  
पारगमन क्र. दिव्याची तारीख दिव्याचे ठिकाण

- f) Occupation सेवाविहृत  
व्यवसाय

- g) Address चांगदे फलोवर मिल गवळ, पुणेकर हॉस्पिटल गवळ, देगलूर रोड,  
पत्ता उदगीर ता. उदगीर जि. लातूर

क्रिपया मार्ग पहा

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Nº 006474

Form : I - B.

28 10 1984  
(सं. 28 10 1984)

is of Known / Suspected / unknown accused with full particulars :

(Attach separate sheet if necessary)  
(आवश्यक असल्यास स्वतंत्र कागद जोडावा.)

1) अंजना नागनाथ जाधव गृह - ज्ञानार्थ अनाथ आश्रम निरुपती नगर, तेमको  
नगर जवळ मोलापूर 2) गडूल भूरेवा परेडगी गृह - दक्षिण नगर बाजार, मोलापूर  
3) लूकमीनाथ प्रमोद नारायण गृह - मोलापूर 4) ज्ञानार्थ अनाथ आश्रम निरुपती

Physical features, deformities and other details of the suspect :

शरीराची शारीरिक वैशिष्ट्ये, व्यंग आणि इतर तपशील :

Sex लिंग	Date / Year of Birth जन्म तारीख / वर्ष	Built बांधा	Height in Cms. उंची (से.मी. मध्ये)	Complexion वर्ण	Identification Mark (s) बोळ व
1	2	3	4	5	6

Deformities / Peculiarities व्यंग / वैशिष्ट्ये	Teeth दात	Hair केस	Eye डोळे	Habit (s) सवयी	Dress Habits पोशाखाच्या सवयी
7	8	9	10	11	12

Languages / Dialect भाषा / बोली भाषा	PLACE OF				
	Burn Mark ज्वलनक्षती चिन्ह	Leucoderma कोर	Mole तीळ	Scar दण	Tattoo गोंदण
13	14	15	16	17	18

These fields will be entered only if complainant / informant gives any one or more particulars about the suspect.  
This will be used only for the purpose of preliminary retrieval to assist I. O.

जर तक्रारदार / खबरीने संशयीत बद्दल बरील 1 किंवा अधिक रकान्यातील माहिती दिली तरच भरावी. तपास अधिकाऱ्याने प्राथमिक पातळीवर तपास करण्यासाठी बरील माहिती उपयोगात आणावी.

A database created will subsequently like one suspect in several cases, if any.  
या अभुषणात तयार झालेल्या माहितीचा उपयोग संशयीताचा इतर गुन्हातील सहभाग स्पष्ट करेल.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspect  
बरील संशयीत संपूर्ण माहिती ज्यावेळी संशयीतास अटक करण्यात येईल त्यावेळी पुन्हा तयार करावी.

Form: 1-B

Nº 006474

Form 1 - J

Reasons for delay in reporting by the complainant / Informant ;  
 कारणांसाठी / सूचना देणाऱ्याने तक्रार करण्यातील विलंबाची कारणे :

Particulars of properties stolen / involved ( Attach separate sheet if necessary ) :  
 चोरीस गेलेल्या / अंतर्भूत मालमत्तेचा तपशील ( आवश्यक असल्यास स्वतंत्र कागद जोडावा )

10 Total value of properties stolen / involved

चोरीस गेलेल्या / अंतर्भूत मालमत्तेचा एकूण मूल्य :

11 Inquest Report / U. D. Case No., if any

परगणान्वेषण अहवाल / यू. डी. प्रकरण क्र., जर असल्यास :

12 F. I. R. Contents ( Attach separate sheet, if required

पहिल्या खबरीतील हकिंकत ( आवश्यक असल्यास स्वतंत्र कागद जोडावेत )

तेजी नमूद नारखेत यानील भारोपी फ्र १ याने फिशकिचे नावाने वतनाई मतीकरगारी  
 आताई अनाथ आश्रमातील स्त्रीत भारोपी फ्र २ व ३ आशीगर यानी फिशकिचे  
 लमूद प्लेसचे छोटे त वनाईर मोठ्यापत्र नयार कळन कळवित खरेदीकाने नयार कळन  
 ते अनाथ आश्रम दुसथम निवडणूक तर्ग २, जोलापूर उत्तर १ याने नमोए करमवणाच्या  
 याने कायल कळन ते खरे आले अने भायकून सजय नागनाथ जाधव याच्या नावाने  
 अजलमन कळन फिशकिचे नमोनी किना नोंदवून अकरया प्लोड टमलेचे बांधव खरेदी  
 तल कळन नमोनी ७/१२ इतारा याला नोंद कळन फिशकिची फिशवणाक केली आहे.

Action taken : Since the above report reveals commission of offence (s) u/s as mentioned at Item No. 2  
 registered the case and took up the investigation / directed

to take up the investigation / Refused investigation / transferred to P. S.

on point of jurisdiction. केलेली कार्यवाही : बाब क्र. २ मध्ये नमूद केलेल्या कलमान्वये अपराध

वर अहवालावरून दिसून आल्यामुळे प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले

पदनाम API मांगल

यांना तपासाचे काम हाती घेण्याचा निर्देश दिला / तपास करण्याचे नाकारले /

अधिकारिस्थिती मुद्यावर

पोलीस ठाण्याकडे हस्तांतरित केले.

F. I. R. read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to  
 the Complainant / Informant free of cost. पहिली खबर तक्रारदाराला / खबरीला वाचून दाखविली, बरोबर नोंदविली

असल्याचे स्थाने मान्य केले आणि तक्रारदाराला / खबरीला प्रत मोफत दिली.

14 Signature / Thumb Impression  
 of the Complainant / Informant

तक्रारदाराची / खबरीची सही / अंगठ्याचा ठसा

Signature of the Police-Inspector Police Station

Name डी.एस. शिरमागर

नाव

Rank

पदनाम A.S.I

No.

क्रमांक

15 Date & time of despatch to the court

कोर्टात पाठविण्याची तारीख व वेळ

दि ३०/१५ मे १९०० वा.

27 JAN 2017



24 MAR 2015

Received on.....

खरेदीखत रद्दबातल आहे असे जाहिर

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Superintendent  
Civil Court S.D. S'pur

होवून मिळणेसाठी दावा.

स्पे.मु.नंबर ५३ /२०१५

सोलापूर येथील मे. सिव्हिल जज्ज सिनियर डिव्हिजन सां यांचे  
कोर्टात

श्रीमती शकुंतला बहुरंग सुर्यवंशी

वय: ६२ वर्षे, धंदा-सेवानिवृत्त

रा.उदगिर, ता.उदगिर, जि.लातूर.

वादी

विरुद्ध

१) विद्या रघुनाथ काळे

वय: ४४ वर्षे, धंदा-घरकाम

रा.अवसे वस्ती, सिध्दार्थ तालीम

अमराई सोलापूर

२) श्री.संजय नागनाथ जाधव

वय: ४९ वर्षे, धंदा-नौकरी

रा.मजरेवाडी, सोलापूर.

प्रतिवादी

दाव्याची आकारणी कोर्ट फीकरिता व  
अधिकारासाठी रु.१२,३६,०००/- वर केली  
असे.

यात वादी तर्फे विनंतीपूर्वक कळवितो ते येणेप्रमाणे :-

(१) मिळकतीचे वर्णन :- डि. व सब डि. सोलापूर पैकी ता.नुका

उत्तर सोलापूर पैकी शहर सोलापूर महनगरपालिका नविन

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हद्दवाढीतील मजेरवाडी येथील "तिरुपती नगर" जागा यांसी जुना स.नं.२४०/२ब याचा नवीन स.नं.३५/२ब पैकी पश्चिम व दक्षिण बाजूचे क्षेत्र १०३० चौ.मी. ची मिळकत.

यांसी चतुःसिमा :-

पूर्वेस :- स.नं.३५/२क

पश्चिमेस :- रस्ता

दक्षिणेस :- रस्ता

उत्तरेस :- स.नं.३५/२अ

(२) सदर मिळकत वादीने खरेदी केलेली आहे व वादीचे नांव ७/१२ दफ्तरी फेरफार नं.१४०५७ ने नोंद आहे. सदर जागा परिसर हा नविन हद्दवाढीतील मजेरवाडी येथील "तिरुपती नगर" म्हणून ओळखला जातो.

(३) सदर मिळकत ही वादीने दिनांक २१/१२/२००४ रोजी राजाराम नरसप्पा लकापती रा. सोलापूर यांचेकडून खरेदी करून घेतली आहे. त्यावेळेपासून सदर मिळकतीची मालकी व कब्जे वहिवाट आजतागायत वादीकडेच आहे.

(४) प्रतिवादी नंबर १ हिने वादीचे नांवाचे स्वतःचा फोटो लावून बनावट ओळखपत्र तयार करून सदर मिळकत ही मीच वादी आहे असे भासवून प्रतिवादी नंबर २ यास खरेदी दिली.

(५) मूलतः प्रतिवादी नं.२ ने दि.०४/०३/२०११ रोजी दस्त क्र.२३७८ ने प्राप्त केलेले खरेदीखत हे बनावट रद्दबातल असल्याने



वादीवर बंधनकारक नसून, तो अंमलबजावणीस अपात्र असा दस्त आहे. सदर अवैध खरेदीखताने कोणतीही मालकी प्रतिवादी नं.२ यास प्राप्त झाली नाही व होत नाही. मुळात प्रतिवादी नंबर १ ला दावा मिळकतीबाबत कोणताही हक्क व अधिकार नसल्यामुळे तिने प्रतिवादी नंबर २ ला दिलेले खरेदीदस्त मुळातच बेकायदेशीर आहे.

(६) सदर दस्ताबाबत वादीने प्रतिवादी नंबर १ व २ यांचेविरुद्ध पोलिसात तक्रार दिली आहे. परंतु सदर दस्त फौजदारी प्रक्रियेमध्ये रद्द होणार नाही. त्या करीता तो बेकायदेशीर राहून त्याचा कसलाही अंमल, कबजा मालकी या प्रतिवादी नं.२ यास न आल्यामुळे तो रद्दबातल व बेकायदेशीर आहे. वादीचा असलेला कबजा हा कायदेशीर आहे म्हणून त्यास हरकत करू नये त्याकरीता केला आहे.

(७) दाव्यास कारण वादीस ता.०४/०३/२०११ रोजीचे बनावट खरेदीखत प्रतिवादी नंबर १ व २ यांनी संगनमताने मिळून केले असल्याची माहिती वादीस दिनांक ७/८/२०१४ रोजी सदरचा बोगस खरेदीखताची नक्कल मिळालेपासून घडले व रोजचे रोज घडत आहे.

(८) दाव्याची आकारणी दि.४/३/२०११ रोजीचा दस्त नं.२३७८हा दावा मिळकत संदर्भातील दस्त वादी ही तीच व्यक्ती आहे असे भासवून प्रतिवादी नंबर १ हिस उभी करून फसवणूक करून

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घेतले म्हणून त्याची किंमत चालू बाजार भावाने रुपये १२,३६,०००/- असल्याने, सदर दस्त बेकायदेशीर व रद्दबातल असल्याचे जाहीर होवून मिळणेसाठी व निरंतर ताकीदीचा दावा आहे व सदर मिळकतीचा कबजा वादीचा असल्याने सदर मुंबई कोर्ट फी स्टॅम्प ॲक्टचे कलम ६ (iv) (d) अन्वये कोर्ट फी स्टॅम्प रुपये १४.४१५ चा इतका दिला आहे.

(९) दाव्याचे न्यायक्षेत्र सदर दावाकामी मिळकत हे या कोर्टाचे स्थळसिमेतील असल्याने, या कोर्टास हा दावा चालविण्याचा अधिकार आहे.

(१०) सदर या दावेत नमूद दस्त दि.४/३/२०११ चे दस्त नं.२३७८ रद्दबातल असल्याचे जाहीरहोवून मिळणेसाठी हाच दावा एकमेव दाखल आहे. या व्यतिरिक्त दुसरा दावा दाखल केला नाही.

(११) सदर खरेदीखत दि.४/३/२०११ चे असून, प्रतिवादी नं.२ ने वादी ही तीच व्यक्ती आहे असे भासवून प्रतिवादी नंबर १ हीस उभी करून बेकायदेशीर खरेदीखत करून घेतले आहे. ती वादीस स.र. दस्ताची नक्कल दि.७/८/२०१४ रोजी मिळालेवरून व फसवणूक झाल्याचे अवलोकनावरून सदर दावा मुदतीत दाखल केला आहे.

(१२) सबब दाव्याची वादीची विनंती की,

अ) वादीचा दावा देवविण्यात यावा, दि.४/३/२०११ चे दस्त क्र.२३७८ मा.सह.दुय्यम निबंधक (वर्ग-२) उत्तर सोलापूर-



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१ कडे दावा मिळकतचे खरेंदीखत रद्दबातल आहे असे जाहीर करणेत यावे.

ब) वादीचे मालकी हक्कास कबजास प्रतिवादी नं.१ व २ यांनी स्वतः अथवा इतरांमार्फत हरकत अडथळा करु नये अशी निरंतर ताकीद देण्यात येवी.

क) इतर योग्य ते न्यायाचे हुकूम व्हावेत.

हा दावा दाखल तारीख 28/3/2015

मसुदा तयार करुन सादर करणार

  
(विनोद सुर्यवंशी)  
वादीतर्फे अॅडव्होकेट.

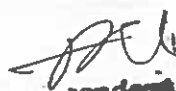
  
वादी

### प्रतिज्ञालेख

यांत मी श्रीमती.शकुंतला बहुरंग सुर्यवंशी वयः ६२ वर्षे, धंदा- निवृत्त रा.उदगिर, ता.उदगिर, जि.लातूर कारणे सत्यप्रतिज्ञेवर सांगते की, वरील संपूर्ण मजकूर माझ्या माहितीप्रमाणे व समजूतीप्रमाणे खरा व बरोबर असून, त्याचे सत्यतेकरीता मी माझी सही याखाली आज रोजी शहर सोलापूर मुक्कामी केली आहे.

  
वादी



Spl.   
The Plaintiff is examined and ordered  
to the registered as a special/regular  
small cause suit.

25 MAR 2015  
Magistrate S. D. Solapur

ORDER  
transferred to.....  
For disposal

Date :-


25 MAR 2015

  
C.J.S.D.

### ORDEER

Issue suit Summons to  
defendants for W. S. and  
Settlement of Issues, On R. F.  
R/o.

26 MAR 2015

  
C. J. S. D. Solapur. 26/3/15



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Special Civil Suit No. 53 / 15

ORDER BELOW EXH. 1

In view of compromise pursis vide Exh. 8, it reveals that parties are arrived at compromise and accordingly, they agreed terms and conditions mentioned in the compromise pursis vide Exh. 8. Thus, in view of compromise pursis Exh. 8, suit is hereby disposed of and decree be drawn up, in view of Exh. 8. Hence the order.

Date : 26/03/2015



( Ms. S. P. Ponkshe )

Civil Judge S. D., Solapur.

  
Xeroxed & Compered By,

TRUE COPY

  
Superintendent  
District & Sessions Court, Solapur.

20 SEP 2022



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अहवाल दिनांक : 17/02/2021

## महाराष्ट्र शासन

गाव नमुना सात  
अधिकार अभिलेख पत्रक

[ महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या ( तयार करणे व सुस्थितीत ठेवणे ) नियम, १९७१ यातील नियम ३,५,६ आणि ७ ]

गाव - मजरेवाडी

तालुका - उत्तर सोलापूर

जिल्हा - सोलापूर

शेवटचा फेरफार क्रमांक : 58195 व दिनांक : 23/06/2019

भूमापन क्रमांक व उपविभाग : 35/2/ब/प्लॉट नं/पश्चिम/दक्षिण

भूमापन क्रमांक व उपविभाग 35/2/ब/प्लॉट नं/पश्चिम/दक्षिण	भू-धारणा पद्धती भोगवटादार वर्ग -I	भोगवटादाराचे नांव
शेताचे स्थानिक नांव :- बिनशेती, पश्चिम व दक्षिणबाजू	क्षेत्र अंकार पो.ख. फे.फा	खाते क्रमांक
क्षेत्र एकक आर चौ मी बिन शेती 10 30 00 बिन शेती 628 00 आकारणी जिरायत बागायत तरी वरकस इतर	शकुंतला बहुरंग सुर्यवंशी 10.30 00 628 00 ( 45581 )	2486 कुळाचे नाव इतर अधिकार अकृषिक वापर - रहिवास (गावठाणातील ) बिनशेती ( 45581 )
एकूण क्षेत्र पोट-खराब (लागवडीस अयोग्य) वर्ग (अ) वर्ग (ब) एकूण पो ख 0 00 00 आकारणी 0 00 जुडी किंवा विशेष आकारणी		
जुने फेरफार क्र (4983),(14057),(31912),(54507),(58195)		सीमा आणि भूमापन चिन्ह :

गाव नमुना बारा  
पिकांची नोंदवह्या

[ महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या ( तयार करणे व सुस्थितीत ठेवणे ) नियम, १९७१ यातील नियम २९ ]

गाव - मजरेवाडी

तालुका - उत्तर सोलापूर

जिल्हा - सोलापूर

शेवटचा फेरफार क्रमांक : 58195 व दिनांक : 23/06/2019

भूमापन क्रमांक व उपविभाग : 35/2/ब/प्लॉट नं/पश्चिम/दक्षिण

पिकाखालील क्षेत्राचा तपशील											लागवडीसाठी उपलब्ध		जल	शेरा
मिश्र पिकाखालील क्षेत्र											नसलेली जमीन		सिंचनाचे	
घटक पिके व प्रत्येकाखालील क्षेत्र													साधन	
वर्ष	हंगाम	मिश्रणाचा संकेत क्रमांक	जल सिंचित	अजल सिंचित	पिकांचे नाव	जल सिंचित	अजल सिंचित	पिकांचे नाव	जल सिंचित	अजल सिंचित	स्वरूप	क्षेत्र		
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)	(१२)	(१३)	(१४)	(१५)
			आर चौ मी	आर चौ मी		आर चौ मी	आर चौ मी		आर चौ मी	आर चौ मी		आर चौ मी		

*(Signature)*  
तलाठी मजरेवाडी

"या प्रमाणित प्रतीसाठी फी म्हणून ₹५/- रुपये मिळाले."

दिनांक :- 17/02/2021

संकेतिक क्रमांक :- 273000040370220000202111601

( नाव : बहुरंग सुर्यवंशी )

तलाठी साक्षात :- मजरेवाडीतल :- उत्तर सोलापूर जि :- सोलापूर



(E)

क्रमांक 1

No. 1



संस्कृत विभाग

महाराष्ट्र शासन  
GOVERNMENT OF MAHARASHTRA  
आरोग्य विभाग  
DEPARTMENT OF HEALTH

MUNICIPAL CORPORATION SOLAPUR

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फॉर्म-6  
FORM-6

मृत्यु प्रमाण-पत्र  
DEATH CERTIFICATE

जन्म व मृत्यु नोंदणी अधिनियम, 1969 च्या कलम 12/17 आणि महाराष्ट्र जन्म आणि मृत्यु नोंदणी नियम, 2000 चे नियम 8/13 अन्वये देण्यात आले आहे.  
(ISSUED UNDER SECTION 12/17 OF THE REGISTRATION OF BIRTHS & DEATHS ACT, 1969 AND RULE 8/13 OF THE MAHARASHTRA REGISTRATION OF BIRTHS & DEATHS RULES 2000.)

प्रमाणित करण्यात येत आहे की, खालील माहिती मृत्युच्या मूळ अभिलेखच्या नोंदवहीतून घेण्यात आली आहे, जी की नगर निगम सोलापूर, तालुका सोलापूर उत्तर, जिल्हा सोलापूर, राज्याच्या नोंदवहीत उल्लेख आहे.  
THIS IS TO CERTIFY THAT THE FOLLOWING INFORMATION HAS BEEN TAKEN FROM THE ORIGINAL RECORD OF DEATH WHICH IS THE REGISTER FOR MUNICIPAL CORPORATION SOLAPUR OF TAHSIL/BLOCK SOLAPUR NORTH OF DISTRICT SOLAPUR OF STATE/UNION TERRITORY MAHARASHTRA, INDIA.

मृताचे नाव / NAME OF DECEASED : शकुंतला बहुरंग सूर्यवंशी / SHAKUNTALA BAHURANG लिंग / SEX: महिला / FEMALE  
SURYAVANSHI

आधार क्रमांक / AADHAAR NO.:  
XXXXXXXX7100

मृत्यु दिनांक / DATE OF DEATH:  
04-09-2021  
FOURTH-SEPTEMBER-TWO THOUSAND TWENTY ONE

मृत व्यक्तिके वय / AGE OF DECEASED:  
68 YEARS

आईचे पूर्ण नाव / NAME OF MOTHER:  
गुंडाबाई बहुरंग सूर्यवंशी / GUNDABAI BAHURANG SURYAVANSHI

आधार क्रमांक / MOTHER'S AADHAAR NO.:

मृत व्यक्तीचा मृत्यूसमयीचा पत्ता / ADDRESS OF THE DECEASED AT THE TIME OF DEATH:

PLOT NO-35/2B, TIRUPATI NAGAR, BALKOTE NAGAR SHEJARI,  
SOLAPUR, SOLAPUR NORTH, SOLAPUR, MAHARASHTRA- 413003  
प्लॉट नं ३५/२बी, तिरुपती नगर, बालकोटे नगर शेजारी,  
सोलापूर, सोलापूर उत्तर, सोलापूर,  
महाराष्ट्र- 413003

नोंदणी क्रमांक / REGISTRATION NO:  
D-2021: 27-90217-011870

शेअर: / REMARKS (IF ANY):

मृत्यु ठिकाण / PLACE OF DEATH:  
अश्विनी सहकारी रुग्णालय सोलापूर / ASHWINI SAHAKARI RUGNALYA & SANSKODHAN KENDRA

पती / पत्नी माहिती नाव / NAME OF HUSBAND / WIFE:  
रघुनाथ रामचंद्र औरादकर / RAGHUNATH RAMCHANDRA AURADKAR

आधार क्रमांक / HUSBAND/WIFE AADHAAR NO.:

वडिलांचे पूर्ण नाव / NAME OF FATHER:  
बहुरंग सूर्यवंशी / BAHURANG SURYAVANSHI

आधार क्रमांक / FATHER'S AADHAAR NO.:

नयत व्यक्तीचा कायमचा पत्ता / PERMANENT ADDRESS OF DECEASED:

PLOT NO-35/2B, TIRUPATI NAGAR, BALKOTE NAGAR SHEJARI, SOLAPUR,  
SOLAPUR NORTH, SOLAPUR, MAHARASHTRA- 413003

प्लॉट नं ३५/२बी, तिरुपती नगर, बालकोटे नगर शेजारी, सोलापूर, सोलापूर  
उत्तर, सोलापूर, महाराष्ट्र- 413003

नोंदणी दिनांक / DATE OF REGISTRATION:  
08-09-2021

निर्गमित करणारे प्राधिकारी / ISSUING AUTHORITY

उप-रजिस्ट्रार (जन्म व मृत्यु)  
SUB-REGISTRAR (BIRTH & DEATH)

MUNICIPAL CORPORATION SOLAPUR

UPDATED ON:  
08-09-2021 00:00:00



"THIS IS A COMPUTER GENERATED CERTIFICATE WHICH CONTAINS FACSIMILE SIGNATURE OF THE ISSUING AUTHORITY"  
THE GOVT. OF INDIA VIDE CIRCULAR NO. 1/12/2014-VS(CRS) DATED 27-JULY-2015 HAS  
APPROVED THIS CERTIFICATE AS A VALID LEGAL DOCUMENT FOR ALL OFFICIAL PURPOSES.  
" प्रत्येक जन्म आणि मृत्यूची घटना नोंदल्याची खात्री करा " / ENSURE REGISTRATION OF EVERY BIRTH AND DEATH "





Exh-F

57

N.C.R.B (एन.सी.आर.बी)  
I.I.F.-I (एकीकृत अन्वेषण फॉर्म -

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल  
(कलम १५४ फौजदारी प्रक्रिया संहिता)

1. District (जिल्हा): सोलापूर शहर

P.S.(ठाणे): एमआईडीसी

Year (वर्ष): 2019

FIR No.(प्रथम खबर क्र.): 0019

Date and Time of FIR (प्र. ख. दिनांक आणि वेळ): 05/01/2019 23:43 बजे

2. S.No. (अ.क्र.) Acts (अधिनियम)

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	341
2	भारतीय दंड संहिता १८६०	465
3	भारतीय दंड संहिता १८६०	467
4	भारतीय दंड संहिता १८६०	468
5	भारतीय दंड संहिता १८६०	34

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1. Day(दिनांक): बुधवार

Time Period

पहर 6

(कालावधी):

Date From (दिनांक पासून): 02/01/2019

Date To (दिनांक पर्यंत): 02/01/2019

Time From (वेळेपासून): 18:00 बजे

Time To (वेळेपर्यंत): 18:30 बजे

(b) Information received at P.S. (माहिती मिळालेले पोलीस ठाणे):

Date (दिनांक): 05/01/2019

Time (वेळ): 20:00 बजे

(c) General Diary Reference (रोजनामचा संदर्भ)

Entry No. (नोंद) 031

Date & Time (दिनांक आणि वेळ): 05/01/2019 23:43 बजे

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1.(a) Direction and distance from P.S.(पोलीस ठाण्यापासून दिशा व अंतर): दक्षिण, 3 किमी

Beat No. (बिट क्र.):

(b) Address (पत्ता): तिरुपती नगर, मजरेवाडी, सोलापूर

(c) In case, outside the limit of this Police Station, then (या पोलीस ठाण्याच्या हद्दीबाहेर असल्यास):

Name of P.S.(पोलीस ठाण्याचे नांव):

District(State) (जिल्हा(राज्य)):

T.C.  


## 6. Complainant / Informant (तक्रारदार/माहिती देणारा):

(a) Name (नाव): सौ विजया यादगिरी यादगिरी

(b) Father's/Husband's Name (वडील / पती का नाव)

(c) Date/Year of Birth (जन्म): 1970

(d) Nationality (राष्ट्रीयत्व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No. (पासपत्र क्र.):

Date of Issue (अदा केल्याची तारीख):

Place of Issue (अदा केल्याची ठिकाण):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (अ. क्र.)	Id Type (ओळखपत्राचा प्रकार)	Id Number (ओळखपत्राचा क्रमांक)
1		

(h) Address (पत्ता):

S.No. (अ. क्र.)	Address Type (पत्त्याचा प्रकार)	Address (पत्ता)
1	वर्तमान पत्ता	775/3, निलम नगर, मार्कडेय चौक, सोलापूर, एमआईडीसी, सोलापूर शहर, महाराष्ट्र, भारत
2	स्थायी पत्ता	775/3, निलम नगर, मार्कडेय चौक, सोलापूर, एमआईडीसी, सोलापूर शहर, महाराष्ट्र, भारत

(i) Occupation (व्यवसाय):

(j) Phone number (फोन नं.):

Mobile (मोबाइल नं.): 91-8390039164

## 7. Details of known/suspected/unknown accused with full particulars (माहीत असलेल्या / संशयीत/अनोळखी आरोपीचा संपूर्ण पत्ता):

S.No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address (वर्तमान पत्ता)
1	अनिता सजय जाधव			1. 35/अ/क, तिरुपती नगर, निलम नगर रोड, सोलापूर, एमआईडीसी, सोलापूर शहर, महाराष्ट्र, भारत
2	सजय जाधव			1. 35/अ/क, तिरुपती नगर, निलम नगर रोड, सोलापूर, एमआईडीसी, सोलापूर शहर, महाराष्ट्र, भारत
3	अश्ली मच्छा			1. सोलापूर, एमआईडीसी, सोलापूर शहर, महाराष्ट्र, भारत

## 8. Reasons for delay in reporting by the complainant/informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

## 9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

S.No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (वर्णन)	Value (In Rs/-) (मुल्य (रु. मध्ये))
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## 10 Total value of property (In Rs/-) (चोरीस गेलेल्या मालमत्तेचे एकूण मुल्य (रु. मध्ये)):

## 11 Inquest Report / U.D. case No., if any (इन्क्वेस्ट अहवाल/ अकस्मात मृत्यू प्रकरण क्र., जर असल्यास):

S.No. (अ. क्र.)	UIDB Number (यु.आय.डी. क्र.)
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## 12 First Information contents (प्रथम सूचना तथ्य):

फिर्यादी तारीख 05/01/2019 मी सौ विजया यादगिरी वंगा वय 49 वर्षे व्यवसाय घरकाम, रा. 775/3 निलम नगर, माकंडेय चौक, सोलापूर पो 8390039164 समक्ष हजर राहून जबाब देते की, मी वरील ठिकाणी माझी पती, तोन मुले यांचेसह राहण्यास आहे. माझे पतीचा निलम नगर येथे रातणी कारखाना आहे. सदरचा व्यवसाय माझे पती व मोठा मुलगा राजेश ह पाहतात. तिरुपती नगर, मजरेवाडी येथील जुना सर्व्हे नं 240/2 अ, नवीन सर्व्हे नं 35/2 अ, यापैकी पश्चिम व उत्तर बाजूस असलेली क्षेत्र 1034 चौ.मी ही जागा दि. 07/02/2000 रोजी मुळ मालक श्रीमती सुधाबाई नरसप्पा लंकापती यांनी माझे पती यादगिरी वंगा यांना रजि. कुलमुखत्यार द्वारे दिलेली आहे. त्यानंतर वरिल जागा माझे पतीकडून दि. 09/06/2005 रोजी 1,00,000/- रुपये रोख रक्कम देऊन माझ्या नावे रजि. खरेदी दस्ताने खरेदी करून घेतलेली आहे. त्याचा खरेदी दर क्र 2546/2005 असा आहे. वरिल जागेचा सारा (टॅक्स) भरून सोलापूर महानगर पालिकेत रितसर माझे नाव नोंद करण्यात आले आहे. सदरची जागा खुली असल्याने त्या जागेवर माझे पती तसेच मी मुलांना अधून-मधून जात येत होते. मागील दीड ते दोन वर्षांपासून मी, माझे पती किंवा मुले आमचे वरिल जागेवर गेलेलो नव्हतो. सुमारे पाच ते सहा महिन्यांपुर्वी मी व माझा मोठा मुलगा राजेश असे दोघे आमचे वरिल जागेवर गेलो असता आमच्या खुल्या जागेवर शांताई अनाथ आश्रममध्ये जाऊन आमच्या खुल्या जागेवर तार कंपोन्ड मारून अतिक्रमण केले असल्याचे दिसले. त्यावेळी आम्ही शांताई अनाथ आश्रममध्ये जाऊन आमच्या खुल्या जागेवर तार कंपोन्ड मारून तुमच्या शाळेचा बोर्ड का लावला आहे. याबाबत संस्थेच्या अध्यक्षा अनिता जाधव व त्यांचे पती संजय जाधव यांचेकडे चौकशी करता त्यांनी आम्ही कंपोन्ड मारून बोर्ड लावलेली जागा आमच्या मालकीची आहे असे सांगितले. त्यावेळी माझ्या मुलाने त्यांना त्या जागेची कागदपत्रे दाखवा असे म्हणाला असता आमच्याकडे कागदपत्रे आहेत ती तुम्हाला कशाला दाखवू असे म्हणून त्यांनी त्यांचेकडील कागदपत्रे दाखविण्यास टाळाटाळ केली. तेव्हा त्यांना सदरची जागा आमचे मालकीची असल्याचे आम्ही सांगितले असता, त्यांनी आम्हाला ही जागा आमचे मालकीची आहे. तुम्हाला जाग करायचे ते करा. असे म्हणून आम्हाला तेशुन मारून दिले. सदरची घटना घरी आल्यानंतर मी माझ्या पतीला सांगितली. सदरचायन आम्ही दि. 04/10/2018 रोजी वरिष्ठ पोलीस निरीक्षक ता. 27/12/2018 रोजी पोलीस ठाणे येथे मागे तक्रारी अर्ज आमच्याकडील पोलीस ठाणे वर देतो. सदर अर्ज चौकशीअसता अनिता जाधव व संजय जाधव यांना वनात कागदपत्राचे आधारे आमच्या जागेवर अतिक्रमण करण्याचे निमित्त आल्यानंतर त्यांचे विरुद्ध गुन्हा दाखल करण्यासाठी आम्ही दि. 27/12/2018 रोजी पोलीस ठाणे येथे आलो होतो. त्यावेळी संजय जाधव व अनिता जाधव यांना देखील पोलीस ठाणे येथे बोलाविले होते. तेव्हा सदर प्रकरणी प्रथम आमच्यात प्राथमिक चर्चा झाली. त्यावेळी जाधव यांनी पोलीसांकडे असलेले सर्व कागदपत्रे पुरावे पाहून त्यांनी अतिक्रमक करून ताब्यात घेतलेली जागा आमचीच असल्याची खात्री झाल्याने केलेले सर्व अतिक्रमण काढून घेऊन जागा खाली करून ताब्यात देत असल्याचे सांगितले. तेव्हा मी माझी जागा ताब्यात येई पर्यंत गुन्हा दाखल करण्यास तात्पुरते थांबविण्यास पोलीसांना सांगितले त्यानंतर मी माझे पती व मुलगा तसेच जाधव यांची मुलगी अबोली मच्छा व पती अनिता जाधव असे आमचे जागेवर गेलो. तेथे त्यांनी कामगार उपलब्ध नसल्याचे सांगितल्याने आम्ही सदरची जागा आमचे कामगार लावून खाली करून घेतली. त्यानंतर जुसरे दिवशी दि. 28/12/2018 रोजी आम्ही आमच्या जागेवर चोहोबाजूंनी चर मारून, अधिग्रहण करत असताना, जाधव कुटुंबियांनी आम्हास हरकत घेऊन शिवीगाळी करून दमदाटी करून, हुज्जत घातली आहे. परंतु आम्ही त्याकडे दुर्लक्ष केले त्यानंतर दि. 02/01/2019 रोजी आम्ही आमच्या जागेवर पत्राशेड मारून घेत होतो संध्याकाळी 06.00 ते 06.30 वा.चे सुमारास पत्राशेडचे काम संपवून मी व माझा मोठा मुलगा राजेश परत निघण्याचे तयारीत असताना तेथे संजय जाधव, अनिता जाधव व त्याचा मुलगा राजेश यास शिवीगाळी करू लागले त्यावेळी त्यांना परवा पोलीस स्टेशनमध्ये तुम्ही ही जागा आमची असल्याचे मान्य केले असून तुम्ही स्वतःहून जागा खाली करून आम्हाला दिलेली आहे असे म्हणालो असता संजय जाधव यांनी आमचे काही एक ऐकून न घेता पुन्हा तुम्ही या जागेवर आल्यास तुमचे हात पाय तोडतो अशी धमकी दिली. तरी तिरुपती नगर मजरेवाडी येथील जुना सर्व्हे नं. 240/2 अ, नवीन सर्व्हे नं. 35/2 अ या पैकी पश्चिम व उत्तर बाजूस असलेली क्षेत्र 1034 चौ.मी ही जागा माझ्या मालकीची असताना संजय जाधव, अनिता जाधव व त्यांची मुलगी अबोली मच्छा यांनी संलग्न करून सदर जागेचे बनावट कागदपत्रे तयार करून ही जागा राजाराम लंकापती कडून मी घेतलेली आहे असे सांगून त्यांचेकडे असलेल्या बनावट कागदपत्राचे आधारे आम्हाला आमच्या जागेवर येण्यापासून हरकत घेत आहे म्हणून माझी अनिता जाधव, संजय जाधव व त्यांची मुलगी अबोली मच्छा यांचे विरुद्ध फिर्याद आहे. माझा वरिल फिर्यादी जबाब माझे सांगणेप्रमाणे संगणकावर टंकलिखित केला असून तो माझा मुलगा राजेश याने वाचून मला सांगितला असून तो बरोबर आहे हा जबाब दिला स.ता.न

13. Action Since the above information reveals commission of offence(s) u/s as mentioned at (केलेली कारवाई: बाब क्र. 2 मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध घडल्याचे.)

(1) Registered the case and took up the investigation: (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले):

or

(2) Directed (Name of I.O.) (तपास अधिका-याचे RAMESH MALAIYA Rank (पद): SI (Sub-Inspector)

No.(क्र.): PCMH27197

to take up the investigation (ला तपास करण्याचे अधिकार दिले) or

(3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार

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N.C.R.B (एन.सी.आर.बी.)

I.I.F.-I (एफ.आई.ए. अन्वेषण फॉर्म -

or (ज्या कारणामुळे तपास करण्यास नकार दिला)

(4) Transferred to P.S. (गुन्डा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

District (जिल्हा):

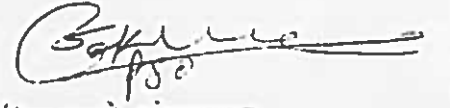
on point of Jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (प्रथम खबर तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली.)

R.O.A.C. (आर. ओ. ए. सी.)

14. Signature/Thumb impression of the complainant / informant. (तक्रारदाराची/खबर देणा-याची सही/अंगठा):

15. Date and time of dispatch to the court (न्यायालयात पाठवल्याची तारीख व वेळ):



पोलीस ठाणे अंमलदार  
एम आय डी सी पोलीस स्टेशन

सोलापूर शहर  
Signature of Officer in charge, Police Station (ठाणे प्रभारी अधिका-याची)

Name (नाम): Bajrang Pandurang Saiunkhe

Rank (पद): I (Inspector)

No. (सं.): PBMAH69005



**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(कलम १५४ फौजदारी प्रक्रिया संहिता)

1. District (जिल्हा): सोलापुर शहर

P.S.(ठाणे): एमआईडीसी

Year (वर्ष): 2020

FIR No.(प्रथम खबर क्र.): 0488

Date and Time of FIR (प्र. ख. दिनांक आणि वेळ): 14/04/2020 21:24 बजे

2. S.No. (अ.क्र.)	Acts (अभिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	४४७
2	भारतीय दंड संहिता १८६०	३४

3. (a) Occurrence of offence (गुन्हाची घटना):

1. Day(दिवस): रविवार

Date From (दिनांक पासून): 09/02/2020

Time Period पहर 1

Date To (दिनांक पर्यंत): 09/02/2020

(समयावधी):

Time From (वेळेपासून): 00:00 बजे

Time To (वेळेपर्यंत): 00:00 बजे

(b) Information received at P.S. (माहिती मिळालेले पोलीस ठाणे):

Date (दिनांक): 14/04/2020

Time (वेळ): 20:00 बजे

(c) General Diary Reference (रोजनामचा संदर्भ)

Entry No. (नोंद क्र.): 014

Date &amp; Time (दिनांक आणि वेळ): 14/04/2020 21:11 बजे

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1.(a) Direction and distance from P.S.(पोलीस ठाण्यापासून दिशा व अंतर): दक्षिण, 2 किमी

Beat No. (बिट क्र.):

(b) Address (पत्ता): 35/2, गट नं मजरेवाडी, हद्दीतील, सोलापुर

(c) In case, outside the limit of this Police Station, then (या पोलीस ठाण्याच्या हद्दीबाहेर असल्यास):

Name of P.S.(पोलीस ठाण्याचे नाव):

District(State) (जिल्हा(राज्य)):

6. Complainant / Informant (तक्रारदार/माहिती देणारा):

(a) Name (नाव): विजया पती यादगिरी मंगा

(b) Father's/Husband's Name(वडील / पती चे नाव):

(c) Date/Year of Birth (जन्म तारीख/वर्ष): 1969

(d) Nationality (राष्ट्रियत्व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No.(पारपत्र क्र.):

Date of Issue (दिल्याची तारीख):

Place of Issue (दिल्याचे ठिकाण):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड)

S.No.(अ.)	Id Type (ओळखपत्राचा प्रकार)	Id Number (ओळखपत्राचा क्रमांक)
1		

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N.C.R.D (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

## (h) Address (पत्ता):

S.No.(अ.क्र.)	Address Type (पत्त्याचा प्रकार)	Address (पत्ता)
1	वर्तमान पत्ता	775, निलम नगर, श्रमजिवी नगर, सोलापुर, एमआईडीसी, सोलापुर शहर, महाराष्ट्र, भारत
2	स्थायी पत्ता	775, निलम नगर, श्रमजिवी नगर, सोलापुर, एमआईडीसी, सोलापुर शहर, महाराष्ट्र, भारत

## (i) Occupation (व्यवसाय):

## (j) Phone number (फोन नं.):

Mobile (मोबाइल नं.): 91-7709116166

## 7. Details of known/suspected/unknown accused with full particulars (माहीत असलेल्या /संशयित/अनोळखी आरोपीचा संपूर्ण पत्ता):

S.No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (मातेवाईकाचे नाव)	Present Address (वर्तमान पत्ता)
1	संजय जाधव			1. सोलापुर, एमआईडीसी, सोलापुर शहर, महाराष्ट्र, भारत
2	अनिता जाधव			1. सोलापुर, एमआईडीसी, सोलापुर शहर, महाराष्ट्र, भारत

## 8. Reasons for delay in reporting by the complainant/informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

## 9. Particulars of properties of interest (संबंधित मालमत्तेचा तपशील):

S.No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (वर्णन)	Value (In Rs/-) (मूल्य (रु. मध्ये))
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## 10 Total value of property (In Rs/-)-(चोरीस गेलेल्या मालमत्तेचे एकूण मूल्य (रु. मध्ये)):

## 11 Inquest Report / U.D. case No., if any (इन्क्वेस्ट अहवाल/ अकस्मात मृत्यू प्रकरण क्र., जर असल्यास):

S.No. (अ.क्र.)	UIDB Number (यु.आय.डी.बी.क्र.)
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## 12 First Information contents (प्रथम खबर हकीकत):

पिचोर्दी जबाब 14/04/2020सौ. विजया पती यादगिरी वंगा वय51वर्ष घंदा घरकाम रा775निलम नगर श्रमजिवी नगर सोलापुर मी नं7709116166मी वरिल प्रमाणे असून आज रोजी समक्ष पोलीस ठाणेस हजर राहीले आपण मला मी गैर अर्जदार संजय जाधव व त्याची पत्नी अनिता संजय जाधव यांचे विरोधात समक्ष एमआय डी सी पोलीस ठाणेस दिलेल्या तक्रार अर्ज दाखविला तो मी वाचून पाहीला सदरचा अर्ज मीच दिलेला असून त्या अर्जाचे अनुषंगाने माझे म्हणणे खाली प्रमाणे आहे. सोलापुर शहरातील मजरेबाडी हद्दीतीलपट नं35/2ही मिळकत मुलत नरसप्पा सिंग्राम लंकपती यांच्याखरेदी मालकीची होती त्यांनी सदरची मालमत्ता दिनांक10/09/1974रोजी रजिस्टर खरेदीखत दस्त नं253/1974अन्वये श्री जयसाम रामपणाविडप व इतर यांचे कडून रसिस्टर्ड खरेदीखताने कायम खूब खरेदीखत करून घेतलेले आहे नरसप्पा सिंग्राम लंकपती यांच्या मृत्युपश्चात श्रीमती राधाबाई नरसप्पा लंकपती हिचे फेरफार क्रमांक 4983अन्वये लावण्यात आलेली आहे त्यानंतर राधाबाई लंकपती यांनी कायदेशिररित्या वाटप करून सदर मिळकतीचे तीन भाग केले सदरच्या वाटपानुसार सर्व्हे 35/2 अ पैकी पश्चिम दक्षिण बाजुचे क्षेत्र 1030चौमी ही श्रीमती राधाबाईयांना देण्यात आली सर्व्हे 35/2 अ पैकी पश्चिम दक्षिण बाजुचे क्षेत्र 1030चौमी ही राजाराम नरसप्पा लंकपती यांना देण्यात आली सर्व्हे नं35/2क पैकी पूर्व बाजुचे क्षेत्र 1031.5चौमी ही व्यंकटेश लंकपती यांना देण्यात आली आहे त्यानुसार मिळकतीचा उत्तारा वेगवेगळा करण्यात आलेला आहे त्यानुसार सदरच्या मिळकतीच्या उता-यावर 6 ड क्रमांक -4983 अन्वये नोंद घेवून सदरचा फेरफार प्रमाणित करण्यात आलेला आहे श्रीमती राधाबाई यांनी दिनांक14.06.2000साली सर्व्हे नं 35/2अ पैकी पश्चिम उत्तर बाजुचे क्षेत्र 1030 चौमी या जागेच्या खरेदी विक्रीच्या अनुषंगाने माझे पती यादगिरी आगव्या वंगायांचे नावे मे दुय्यम निबंधक सोलापुर यांच समोर रजिस्टर्ड नोंदणी दस्त क्रमांक121/2000अन्वये कुलमुखत्यार पत्र करून दिलेले होते सदर कुलमुखत्यार पत्रावरती राधाबाई यांचा मातृ व्यंकटेश लंकपती यांचे देखील साक्षीद्वारा म्हणून सही केलेली आहे सबब सदर दिवशीमाझे पतीने20 रु च्या स्टप पेपरवरती कब्जा खरेदीदरताने सदरची मोकळा प्लट असलेली मिळकतीचा ताबा व वहिवाट माझे पती यांचेकडे होती. सदरच्या कुलमुखत्यारपत्राची मिळकतीच्या उतायावर 6ड10334अन्वये दिनांक10.6.2003 रोजी फेरफारला नोंद घेण्यात आलेली आहेयानंतर सदरची मिळकत मी माझे पती यांचे कडून सदरची मिळकत दिनांक09.06.2005रोजी रजिस्टर्ड खरेदीखत दस्त क्र 2546/2005अन्वये खरेदी केलेली आहे तेव्हापासून सदर मिळकतीचा ताबा व वहिवाट माझेकडे आहे यानंतर मी व माझे पती यांनी सदर मिळकतीत स्वताचे तारेचे कम्पाउंड मारून दोन पत्राशेडवजा खोल्या बांधलेले आहेत व ते प्रत्यक्ष कब्जात आहेत. यानंतर दिनांक13.09.2016 रोजी गैरअर्जदार संजय जाधव व त्याची पत्नी असे दोघेजण माझेवर नमुद मिळकती मध्ये अतिक्रमण करण्याच प्रयत्न करत असल्याने आम्ही त्यांना वकिलामार्फत कायदेशिर नोटीस दिलेली होती यानंतर गैरअर्जदार

**R.O.A.C. (आर. ओ. ए. सी.)**

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N.C.R.B (एन.सी.आर.बी)

I.L.F.-1 (एकीकृत अन्वेषण फॉर्म - १)

14. Signature/Thumb impression of the complainant / Informant. (तक्रारदार/खबर देण-याची सही/अंगठा):

25. Date and time of dispatch to the court (न्यायालयात पाठवण्याची तारीख व वेळ):

Signature of Officer in Charge, Police Station (ठाणे प्रभारी अधिकारी-याची)

Name (नाव): SURYAKANT BALBHIM PATIL

Rank (पद): I (Inspector)

No. (सं.): POBNS8312

Exh - G

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.346 OF 2021  
(Subject:- Pension and Pensionary Benefits)**

**DISTRICT: - Aurangabad.**

**Dilip S/o Parbat Patil,**

Age: 59 years, Occu: Pensioner,  
R/o. Flat No.6, Suyog Complex,  
Deshmukhnagar,  
Taluka and District Aurangabad.  
Mob. No.8805015719.

)...**APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,**  
Through its Additional Chief Secretary  
Home Department, C.S. Office,  
Main Building Mantralaya, 6<sup>th</sup> Floor,  
Madamkama Road,  
Hutatma Rajguru Chowk,  
Nariman Point, Mumbai-400032.  
Maharashtra State.
2. **The Director General of Police,**  
Police Head Quarters, Old Council Hall,  
Shahid Bhagatsingh Marg, Kulaba,  
Mumbai -400001 Maharashtra State.
3. **The Superintendent of Police,**  
Office of Superintendent of Police,  
Vazirabad Square, Nanded-431602.
4. **The Accountant General (Accounts &  
Entitlement),**  
Office of the Accountant General,  
(Accounts & Entitlements)-I,  
Pension Wing, Old Building,  
P.B. No.114. GPO, Civil Lines,  
Nagpur-440001.

)...**RESPONDENTS**

T-C  


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**APPEARANCE** : Shri V.B. Wagh, learned Advocate  
for the applicant.  
: Shri B.S. Deokar, learned Presenting  
Officer for the respondents.

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**CORAM** : **SHRI V.D. DONGRE, MEMBER (J)**

**DATE** : **17.07.2022**  
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### **ORDER**

1. By invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 this Original Application is filed challenging the impugned communication dated 08.06.2021 (Annex. 'A-2') issued by the respondent No.3 i.e. the Superintendent of Police, Nanded thereby refusing to release the leave encashment amount of the applicant and also seeking direction against the respondent to prepare pension papers of the applicant and to forward to the office of respondent No.4 i.e. the Accountant General, Nagpur for sanction and to release all the retirement benefits i.e. Leave Encashment, Gratuity, Pension and Commutation of Pension etc. forthwith which was denied to the applicant in view of criminal proceeding pending against the applicant.

2. The facts in brief giving rise to this Original Application can be stated as follows:-

(i) The applicant was initially appointed as Police Sub-Inspector vide appointment order dated 31.03.1995. He was promoted vide order dated 01.01.2009 to the post of Assistant Police Inspector and further promoted to the post of Police Inspector on 18.06.2014 and was posted under the office of Superintendent of Police, Nanded i.e. respondent No.3 and he retired therefrom on superannuation on 28.02.2021 as reflected in retirement notice dated 26.02.2021 (Annexh. 'A-1').

(ii) It is further contended that after his retirement on superannuation, the respondent authorizes released only the amount of G.I.S. and G.P.F, but withhold the amount of leave encashment citing Rule 68 of Maharashtra Civil Services (Leave) Rules, 1981 by issuing impugned communication dated 08.06.2021 (Annex. 'A-2') and the said communication is issued by the respondent No.3 i.e. the Superintendent of Police,

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Nanded stating that Crime No.429/2019 under Section 279, 337, 304(A) of Indian Penal Code is registered

against the applicant at Police Station Akhada Balapur, District Hingoli and the criminal case thereof is pending against the applicant.

(iii) It is further stated that while he was working on the post of Police Inspector, he was allotted the election duty which was scheduled on 21.10.2019. While he was traveling in respect of that from Nanded to Hadgaon, incident of vehicular accident took place and the crime came to be registered against him as stated above. The said crime came to be registered at Police Station Alkhada Balapur, District Hingoli at the instance of the private person. Upon investigation of the said crime, charge sheet is filed against the applicant in respect of said vehicular accident as per Annex. 'A-3' and criminal case is pending against the applicant in the Court of learned Judicial Magistrate First Class, Kalamuri.

(iv) However, yet charge is not framed against the applicant in the said criminal case and therefore, cognizance is not taken due to pandemic situation. The said case did not proceed further and it is still pending.



(v) It is further stated that the applicant submitted his representation dated 01.03.2021 (Annex. 'A-4') to the respondent No.3 to release his retirement benefits as there was no enquiry or no recovery against him. Even on preliminary enquiry in respect of the said accident, minor punishment of Censure is imposed upon the applicant by the respondent No.3 by order dated 12.11.2020 (Annex. 'A-5'). It was not the case of committing misconduct while discharging the duties of the post held by the applicant as a Government Servant. Due to withholding of pension and pensionary benefits, the applicant has been deprived of his fundamental right as recognized under Article 300(A) of the Constitution of India.

(vi) The respondent authorities ought to have considered that the criminal case in which the applicant is involved is not in respect of any misconduct while discharging the official duties and the applicant has been punished departmentally in that respect. Only after outcome of the criminal case, the respondent authorities at the most will have right to take necessary steps of withholding the pension and pensionary benefits, as the

applicant has already retired from service on superannuation. The action of the respondent authorities has violated Article 300(A) of the Constitution of India. The applicant has right to receive the pension, gratuity amount and other pensionary benefits on retirement as he has rendered 26 years of service. The respondent authorities said to have withhold all these benefits by taking recourse to Rule 27 of Pension Rules. However, the said provision would come into picture, if there is misconduct in discharging of official duties. In view of the same, impugned communication dated 08.06.2021 (Annex. 'A-2') issued by the respondent No.3 refusing to release the leave encashment and not processing the case of the applicant for pension and pensionary benefits is not legal and proper and the applicant is entitled for necessary directions against the respondents.

3. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 3 by one Birappa Dhondiba Bhusnur working as Police Inspector (Control Room) in the office of the respondent No.3 i.e. the Superintendent of Police, Nanded. Thereby he

denied all the adverse contentions raised in the affidavit-in-reply and resisted the following specific contentions:-

- (i) It is admitted that in the year, 2019 there was election of Lok Sabha. In that regard, the applicant was entrusted an election duty at Hingoli. It was expected of the applicant to travel by Government vehicle, but at that time the applicant travelled in a private Alto Car bearing No.MH-15-BN-4069. The applicant himself was driving the said car. The applicant caused accident by driving the said vehicle in rash and negligent manner. In the said accident, one girl by name Bhagyshri died on the spot. In view of the same, Crime No. 429/2019 under Section 279, 337, 304(A) of Indian Penal Code 1869 r/w Section 3/181 of Motor Vehicle Act came to be registered against the applicant at Police Station Akhada Balapur District Hingoli. The trial in respect of the said crime is pending against the applicant in the Court of Judicial Magistrate, First Class at Kalamnuri, District Hingoli.

- (ii) In view of abovesaid incident of rash and negligent driving by the applicant resulted into causing death of one innocent girl, preliminary enquiry was held against

the applicant in respect of the said misconduct and the punishment of "Reprimand" / "Censure" was inflicted by the Special Inspector General of Police, Nanded Range, Nanded vide order dated 12.11.2020 by invoking Rule 25 of Maharashtra Police Act, 1951. Moreover, as a criminal case as stated above is pending against the applicant, the pension and pensionary benefits are withhold as stated by the applicant as per provisions of Rule 26 and 27 of Maharashtra Civil Services (Pension) Rules, 1982. In view of said Rules, administratively it is not possible to release regular pension to the applicant and hence, the respondent No.3 did not submit pension proposal of the applicant to the office of the Accountant General, Nagpur. In view of same, the applicant is not entitled for any of the reliefs as claimed in the Original Application and the application is liable to be dismissed.

4. Affidavit-in-rejoinder is filed on behalf of the applicant thereby denying the adverse contentions raised in the affidavit-in-reply and reiterating the contentions raised in the Original Application.

(i) It is specifically submitted that the respondent authorities failed to consider that no cognizance of the

matter is taken by the Judicial Magistrate, First Class, Kalamuri in the criminal case pending against the accused as the charge is not framed. In view of same, the respondents ought to have taken into consideration the provisions of Rule 27 (6) (a) and (b) of the Maharashtra Civil Services (Pension) Rules, 1982 which they have failed to do./

5. I have heard the arguments advanced by Shri V.B. Wagh, learned Advocate for the applicant on one hand and Shri B.S. Deokar, learned Presenting Officer representing the respondents on the other hand.

6. Considering the rival pleadings and submissions, it is evident that this matter revolves around the provisions of Rule 26 dealing with pension subject to good conduct; Rule 27 dealing with right of Government to withhold or withdraw pension and Rule 130 dealing with provisional pension, where departmental or judicial proceedings may be pending.

7. Learned Advocate for the applicant submitted that Rule 26 dealing with pension subject to good conduct would definitely come into picture in case of future conviction of the applicant in the pending criminal case. Till then the pension

and pensionary benefits can be released in favour of the applicant by taking requisite undertaking from the applicant and by construing Rule 27 dealing with right of Government to withhold or withdraw pension and Rule 130 dealing with provisional pension where the departmental or judicial proceedings may be pending liberally.

8. In the case in hand, it is an admitted position that the applicant has been granted some of the retirement benefits i.e. G.I.S. and G.P.F. amount. However, pension papers for regular pension and other retirement benefits such as gratuity, leave encashment and commutation of pension are not processed by taking recourse of the provisions of Rule 27 and Rule 130 of M.C.S. (Pension) Rules. More particularly, by impugned order dated 08.06.2021 (Annex. 'A-2') issued by the respondent No.3 i.e. the Superintendent of Police, Nanded, leave encashment is refused in view of the provisions of Rule 68 (5) and (1) of M.C.S. (Leave) Rules, 1981. However, in fact Rule 68 (6) (a) of M.C.S. (Leave) Rules, 1981 deals with withholding of leave salary amount pending the disciplinary and criminal proceedings.

9. In view of above stated position, the learned Advocate for the applicant strenuously urged before me that criminal

proceeding which is pending against the applicant is not connected with the discharging of duties of the applicant of the post from which he has retired. It is not going to result into any recovery of amount towards any loss caused to the Government. In view of the same, according to him, [the provisions of Rule 27 and 130 of M.C.S. (pension) Rules and Rule 28 of M.C.S.(Leave) Rules are not applicable strictly and in such situation the pension and pensionary benefits can be released] by taking requisite undertaking from the applicant that in case of his conviction, he will refund the amount. He further submitted that withholding of pension and pensionary benefits due to the applicant by [the Government are in contravention of the constitutional right bestowed upon the Government servant as per Article 300-A, which deals with the persons not to be deprived of property save by authority of law and definition as stated in Article 366 (17) of Constitution of India.]

10. To substantiate the abovesaid submissions, he placed reliance on following citation:-

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[Writ Petition No.2630 of 2014 decided by the Hon'ble High Court of Judicature at Bombay Bench at

Aurangabad in the matter of Purushottam Kashinath Kulkarni & Ors. Vs. The State of Maharashtra and Others. decided on 16.04.2016.

In the said citation case by interpreting the provisions of Article 300-A and 366 (17) of Constitution of India and by relying upon the case law of the Hon'ble Apex Court in the matter of State of Jharkhand and Others reported in 1(2013) 12 S.C.C. 210, it is held that withholding the amount of pension, gratuity and leave encashment cannot be countenanced.

11. He further placed reliance on citation reported in 2017(3) Mh,L.J., page No.251 in case of Nanuram S/o Dagdu Beldar Vs. State of Maharashtra and Ors. wherein the Hon'ble High Court has been pleased to observe that suspension based on the incident unconnected with the discharging of the duties of the Government Servant is not sustainable in the eyes of the law and is liable to be set aside.

12. He further placed reliance on the decision of the Co-ordinate Bench of this Tribunal at Mumbai in O.A.No.1072 of 2017 in the matter of Shri Raosaheb Channappa Mane Vs. The Commissioner of Police, Mumbai & two Ors. decided



on 07.09.2018. In the case, the respondents therein declined to release the pensionary benefits to the applicant on account of criminal case pending against the applicant therein. The criminal case pending against the applicant therein was on the basis of complaint filed by the private party. The applicant challenged the criminal case by filing the Writ Petition before the Hon'ble High Court and the Hon'ble High Court was pleased to stay the said proceedings against the applicant. The said case was not at all connected with the official duty of the applicant. In view of same, relief was granted to the applicant by giving necessary direction to the competent authority for granting regular pensionary benefits to the applicant.]

13. Learned Presenting Officer representing the respondents on the other hand submitted that from the contentions raised in the affidavit-in-reply, it is evident that at the material time of vehicular accident, the applicant was on election duty and instead of travelling by public transport, the applicant travelled in private Alto Car driven by the applicant himself and due to rash and negligent driving by the applicant, one innocent girl died. In view of the same, according to him it cannot be said to criminal case pending against the applicant

is unconnected with the discharging of the duty. Therefore, according to him withholding the pension and pensionary benefits is legal and proper and is in accordance with the provisions of Rules 27, 130 of M.C.S. (Pension) Rules and Rule 68 of (Leave) Rules.

14. After having considered rival submissions as above, in the background of the facts of the present case, it is seen that prima-facie it is evident that going to the place of election in private Alto car which met with an accident cannot be by any stretch of imagination can be said to be connected with discharging of the official duty by the applicant. From the nature of proceedings, it can be seen that even if the applicant is convicted in the trial of the said criminal case, it is not going to cause any monetary loss to the Government or leading to any recovery of money by the Government from the applicant. Otherwise also in case of conviction of the applicant, the provisions of Rule 26 (Pension) Rule at the most would come into play, but continuation of withholding the pension and pensionary benefits till decision of the Criminal proceedings unconnected with the official duty of

the applicant would be detrimental of the statutory right of the applicant to receive the pension and pensionary benefits arising out of his long standing service and otherwise also unblemished service rendered by the him. The balance can be struck by taking requisite undertaking from the applicant of refund of the amount in case he is held guilty in the criminal proceedings in accordance with law.

15. In the facts and circumstances of this case, the ratio laid down in the above citation cases relied upon by the learned Advocate for the applicant would be applicable. The contentions raised by the respondents for withholding the pension and pensionary benefits for indefinite period till the decision in a criminal case is not legal, tenable and acceptable. In such circumstances, impugned order dated 08.06.2021 (Annex. 'A-2') issued by the respondent No.3 i.e. the Superintendent of Police, Nanded denying leave encashment to the applicant is liable to be quashed and set aside and the applicant would be entitled for pension and pensionary benefits in accordance with law in a specific period subject to giving of requisite undertaking by him as

discussed above. I therefore, proceed to pass the following order:-

**ORDER**

The Original Application is allowed in following terms:-

- (A) The impugned communication dated 08.06.2021 (Annex. 'A-2') issued by the respondent No.3 i.e. the Superintendent of Police, Nanded is hereby quashed and set aside.
- (B) The respondents are directed to process the pension papers of the applicant and to forward the same to the office of the respondent No.4 i.e. the Accountant General, Nagpur for sanction and to release all the retirement benefits namely leave encashment, gratuity, commutation of pension and pension and pensionary benefits etc. immediately in accordance with law upon furnishing requisite undertaking by the applicant that if required, he would refund the amount of pensionary benefits paid to him within the period of two months in case, he is held guilty in the criminal proceedings pending against him.

(C) The respondent authorities are directed to complete the abovesaid endeavor within the period of four months after receipt of requisite undertaking from the applicant.

(D) No order as to costs.

**(V.D. DONGRE)**  
**MEMBER (J)**

**Place :- Aurangabad**  
**Date :- 17.07.2022**  
**SAS O.A.346/2021**





**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2630 OF 2014**

**PURUSHOTTAM KASHINATH KULKARNI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...  
Advocate for Petitioners : Mr. Thoke Dhananjay B.  
AGP for Respondent/State : Mr. S.D. Kaldate  
Advocate for Respondent no.4 : Mr. Rane Girish S.

...  
**CORAM : S.S. SHINDE & P.R. BORA, JJ.  
Dated: February 16, 2016**

...  
**PER COURT :-**

Rule. Rule made returnable forthwith and heard finally by consent of the learned counsel appearing for the parties.

2. This Petition seeks directions to the Respondent No.5 to release the amount of gratuity, pension and group insurance as against the LIC Master Policy No. CGI-20053 and 20256.

3. The learned counsel appearing for the petitioner submits that, merely on the ground that, the criminal case is pending against the petitioner, the amount of pension and gratuity is withheld by the Respondents. The said action of

T.C  
[Signature]

the respondents withholding pension and gratuity amount on the ground that, the criminal case is pending against the petitioner, is contrary to the law laid down by the Hon'ble Supreme Court in the case of **State of Jharkhand and ors V/s Jitendra Kumar Srivastava and anr.**<sup>1</sup> Therefore, he submits that, the Petition may be allowed.

4. On the other hand, the learned A.G.P. appearing for the respondent/State invited our attention to the averments in the affidavit in replies filed on behalf of the Respondent No.5. He submits that, the office of the Liquidator has withheld the amount of D.A. and also the other amounts since the crimes are registered against the petitioner and other employees.

5. We have given careful consideration to the submissions of the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the respondents. With their able assistance, we have perused the pleadings in the Petition, annexures thereto and the judgment in the case of **State of Jharkhand and others**

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<sup>1</sup> (2013) 12 S.C.C. 210





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(supra) and we are of the opinion that, the Petition deserves to be allowed for the reasons set out hereinbelow.

6. In case of **State of Jharkhand and others** (supra), the Supreme Court formulated the following questions for consideration :-

"2. Crisp and short question which arises for consideration in these cases is as to whether, in the absence of any provision in the Pension Rules, the State Government can withhold a part of pension and/or gratuity during the pendency of departmental/criminal proceedings ?"

7. After taking into consideration, the various expositions on the subject, the Supreme Court in paras 16 and 17 of the judgment held thus :-

"16. The fact remains that there is an imprimatur to the legal principle that the right to receive pension is recognised as a right in "property". Article 300-A of the Constitution of India reads as under:

**"300-A. Persons not to be deprived of property save by authority of law. - No person shall be deprived of his property save by authority of law."**

Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the

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constitutional mandate enshrined in Article 300-A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced.

17. It hardly needs to be emphasised that the executive instructions are not having statutory character and, therefore, cannot be termed as "law" within the meaning of aforesaid Article 300-A. On the basis of such a circular, which is not having force of law, the appellant cannot withhold even a part of pension or gratuity. As we noticed above, so far as statutory Rules are concerned, there is no provision for withholding pension or gratuity in the given situation. Had there been any such provision in these Rules, the position would have been different."

8. During the course of hearing, the learned counsel appearing for the petitioner submits that, enquiry initiated under Section 88 of the Maharashtra Co-operative Societies Act, 1960, has been completed and the petitioner has been exonerated in the said enquiry, however, the offences are pending against the petitioner.

9. Keeping in view the exposition of the Supreme Court in the case of **State of Jharkhand and others** (supra), and in particular, the observations in paras 14 and 15 thereof, in our opinion, the action of the respondents to

withholding the amount of pension, gratuity and leave encashment cannot be countenanced. In the light of above, we direct the Respondents to calculate the amount of pension, gratuity and leave encashment and pay the same to the petitioner, as expeditiously as possible, and preferably within four months from today.

10. The Petition is allowed in above terms and same stands disposed of.

11. The Rule is made absolute in the above terms.

( P.R. BORA, J. )

( S.S. SHINDE, J. )

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Exh - I

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

Original Application No.1072 of 2017

Shri Raosaheb Channappa Mane )  
Aged 58 Yrs, Occ. Nil, Retired as )  
Assistant Sub Inspector from )  
Nagpada Police Station, Mumbai, )  
R/o. B/58, Bandra Police Line, )  
Bandra, Mumbai-50 ) ....Applicant

Versus

1. The Commissioner of Police, )  
Mumbai, Having Office at )  
Mumbai Police Commissionarate )  
L.T. Marg, )  
Opp. Crawford Market, Fort, )  
Mumbai – 400 001. )
2. The Additional Commissioner of Police, )  
Central Region, Bawala Compound, )  
Byculla (E), Mumbai – 27. )
3. The State of Maharashtra, )  
Through Principal Secretary, )  
Home Department, )  
Having Office at Mantralaya, )  
Mumbai – 400 032. )....Respondent s

Shri A.V. Bandiwadekar, learned Advocate for the Applicant.

Ms. S. Suryawanshi, the learned P.O. for the Respondents.

CORAM : Shri J.D. Kulkarni, Vice-Chairman

RESERVED ON : 05.09.2018.

PRONOUNCED ON : 07.09.2018.

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

T.C.  


2. The Applicant in this O.A. is claiming that the order dated 5.10.2017 which is at page no.no.14, Exh. 'A' of the O.A. issued by Respondent No.2 whereby the Petitioner is declined to release pensionary benefits on account of criminal case is pending against him be quashed and set aside and he be granted of consequential service benefits presuming of the said order.
3. The Petitioner joined government service as Police Constable on 14.8.1980. In 2001, C.R.no.4 of 2001 was registered on the basis of report given by the Applicant at Jogeshwari Police Station against one Smt. Shobha P. Jounjal and Mr. P.S. Jounjal.
4. After due investigation, the charge sheet was filed vide C.C.No.416/P/2002 before the Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. In 2007, i.e. on 13.09.2007 both the accused were acquitted.
5. Being aggrieved by the order of acquittal, the Petitioner preferred Criminal Writ Petition No.2507 of 2009 before the Hon'ble High Court and the same was admitted and the matter is still pending in the Hon'ble High court.
6. Criminal Case No.2387/PW/2002 was filed against the Applicant on the report of Smt. Shobha P. Jounjal and the same was investigated by M.I.D.C. Police Station, Andheri. Against the said investigation, the Petitioner preferred Criminal Application No.169 of 2011 under section 482 and 463 of Criminal Procedure Code for quashing the said proceedings. On 4.8.2011, the Hon'ble High Court admitted the Criminal Writ Petition and granted stay to the proceedings. The matter is still pending before the Hon'ble High Court. In the meantime on 31.7.2017, the petitioner got retired on superannuation.
7. On 5.10.2017, the Respondent No.2 declined to release regular pensionary benefits to the Applicant on the ground that criminal matter is pending against the Applicant and therefore this Original Application.
8. The Respondent Nos.1 and 2 have filed reply affidavit and submitted that FIR vide no.440 of 2001 has been filed against the Applicant at MIDC Police Station, Andheri under Section 420 read with 34 of IPC by one Mrs. Shobha Jaunjal and thus Criminal Case No.2387 /W/2002 is pending against the Applicant and thereafter the charge sheet was filed against the Applicant before the Metropolitan Magistrate's Court at Andheri.
9. The Respondents have relied on the Rule 27(6) (b) (i) of M.C.S. (Pension) Rules, 1982 and submitted that as per this rule only provisional pension is to be paid to the Applicant.

10. Learned Advocate for the Applicant Shri A.B. Bandiwadekar submits that the criminal case pending against the Applicant is on the basis of private complaint filed by Smt. Shobha P. Jounjal. In fact the Applicant earlier filed criminal case against Smt. Shobha P. Jounjal and Mr. Jounjal in which they were acquitted and to counter said litigation Mrs. & Mr. Jounjal file a criminal case against the Applicant.

11. Learned Advocate for the applicant placed on record a documents showing that the FIR on the basis of which criminal case was registered against the Applicant on the complaint of Mr. & Mrs. Jounjal was challenged before the Hon'ble High Court. The copy of the Criminal Application No.169 of 2011 is placed on record which is at page nos.26 to 28 of the paper book of O.A. (both inclusive).

12. From the said documents it seems that the proceedings of criminal case no.2387 of 2002 before Metropolitan Magistrate's Court at Andheri against the Applicant was challenged under Section 482 and 483 of criminal procedure code and the Hon'ble High Court was pleased to issue ad interim relief as per the prayer clause (c) which reads as under:-

“(c) Pending the hearing and final disposal of the present criminal application, criminal proceedings being Criminal Case No.2387/PW/2002 pending in the 22<sup>nd</sup> Court of Metropolitan Magistrate, Andheri, Mubai as against the Applicant be stayed.”

(quoted from page no.27 of the paper book)

Thus, admittedly the proceedings against the Applicant have been stayed by the Hon'ble High court.

13. Learned Advocate for the Applicant submits that though the criminal proceedings against the Applicant have been filed on the basis of report of Mrs. Jounjal with whom Applicant had a grudge, the said litigant was a private complainant and it was not at all concerned with official duty of the Applicant and therefore in this circumstance, the Respondent ought to have released regular pensionary benefits to the Applicant and should be granted consequential financial benefits.

14. Learned Advocate for the Applicant has invited my attention to the reported judgment in 2017 (3) Mh.L.J., page no.251 in case of Nanuram s/o Dagdu Beldar Vs. State of Maharashtra and Others. In the said case the petitioner therein was kept under suspension on account of incident which did not relate to anything done by him in discharge of his official duties and it was held that order of suspension cannot sustain in law. Similar view has been taken in Writ Petition No.191 of 2016, judgment delivered by the Hon'ble High Court in case of Hrishikesh

**Vasantrao Kumbhar Vs. The Zilla Parishad, Sangli & Ors on 25.07.2016.** It was also regarding suspension. In that case also it was held that the nature of complaint do not relate to anything done by him in discharge of his duties and the grievance of the complainant is fully private issue in-between complainant and Petitioner and therefore order of suspension was quashed.

15. In the present case issue is as regards pension and not against the suspension but still the question remains as to whether the criminal case was pending against the Applicant.

16. Learned P.O. for the Respondents has placed reliance rule 130 of M.C.S. (Pension) rule. Which read as under:-

***"130. Provisional pension where departmental or judicial proceedings may be pending-***

***(1) (a) In respect of a Gazetted or Non-gazetted Government servant referred to in sub-rule (4) of rule 27 the Head of Office shall authorize the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service upon the date of retirement of the Government servant, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension.***

***(b) The provisional pension shall be authorized by the Head of Office for a period of six months during the period commencing from the date of retirement unless the period is extended by the Audit Officer and such provisional pension shall be continued upto and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.***

***(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.***

***(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than provisional pension or the pension is reduced or withheld either permanently or for a specified period.***

17. Learned P.O. for the Respondents states that the rule 130 aforesaid is clear that the Government has every right to pay only provisional pension where departmental or judicial proceeding is pending against the delinquent and no gratuity should be paid till the final order of departmental or judicial proceedings is passed.

18. In the present case, admittedly no departmental enquiry is pending against the Applicant and only one criminal case is pending which is instituted on private complaint of Mrs. Jounjal. Admittedly the Applicant has also filed criminal case against Mr. and Mrs. Jounjal and in that case they were acquitted. Therefore in such circumstances it is necessary to consider as



to whether it will be proper to decline release of regular pensionary benefits to the Applicant and particularly when said proceedings are stayed by the Hon'ble High Court.

19. Learned Advocate for the Applicant relied on Rule 27 of sub –Rule 3 and 6(b) of the MCS (Pension) Rule 1980. The said relevant rule reads as under:-

**"27. Right of Government to withhold or withdraw pension:-**

**(1) Government may, by order in writing, withhold or withdraw a pension or any part of it, whether permanently or for a specified period, and also order the recovery from such pension, the whole or part of any pecuniary loss caused to Government, if, in any departmental or judicial proceedings, the pension is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement:**

**Provided that the Maharashtra Public Service Commission shall be consulted before any final orders are passed in respect of officers holding posts within their purview:**

**Provided further that where a part of pension is withheld or withdrawn, the amount of remaining pension shall not be reduced below the minimum fixed by Government.**

**(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service.**

**(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment,-**

**(i) shall not be instituted save with the sanction of the Government,**

**(ii) Shall not be in respect of any event which took place more than four years before such institution, and**

**(iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.**

**(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.**

**(6) For the purpose of this rule,-**

**(a) .....**

**(b) judicial proceedings shall be deemed to be instituted-**

**(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer of which the Magistrate takes cognizance is made, and**

**(ii) in the case of Civil proceedings, on the date of presenting the plaint in the Court."**

20. In the present case, even though the FIR was registered against the Applicant, no cognizance has been taken by the Magistrate and in fact the proceedings were stayed by the Hon'ble High Court vide order dated 4.8.2011. It is stayed that till today, no charges have been framed against the Applicant by the Magistrate.

21. Learned Advocate for the Applicant also placed reliance on the judgment delivered by this Tribunal in O.A.No.883 of 2014 in case of Shri Mohd. Gaus Shaikh Vs. The Director of Vocational Education and Training on 3.11.2015. In para nos.9, 17 to 19 this Tribunal has observed as under:-

"9. As far as the issue of gratuity is concerned, in circumstances such as this one, the issue is squarely covered by a judgment of this Tribunal (Single Bench of the Hon'ble then Chairman) in OA1109/2010 (Shri Vasant A. Kadam Vs. State of Maharashtra, dated 4.10.2011). I have perused it. That was a matter where the Applicant was embroiled in a criminal case for which he was also under arrest for about 3/4 days, and hence, under deemed suspension. In the meanwhile, he was made to stand as an accused before the Special Court. No charge was framed against him in that matter and in the meanwhile, he retired on 28<sup>th</sup> February, 2002. In that context, reliance was placed before this Tribunal on Rule 27 (2) (3) of Maharashtra Civil Services (Pension) Rules, 1982 and case law was also cited and discussed. That was Moreishwar Vs. State of Maharashtra, 1998 (1) MLJ 490. The issue was as to when it can be held that the criminal proceedings have commenced in the context of enabling the Respondent to withhold the post retiral benefits. It was apparently that the crucial date would be the date on which the cognizance was taken, which would be when the judicial mind was applied and framing the charge was considered. Merely lodging of the matter before the said court cannot be said to be commencement of criminal proceedings.

17. In so far as the criminal proceedings are concerned, as already discussed above, the said matter has not even commenced in the sense, it should become limiting or disabling event for the Applicant to be denied what is legitimately due to him. Most significantly, the very nature of the said proceedings is such that it would determine the guilt of the Applicant and his co-accused, but going by the record such as it is and the Penal provisions invoked, in the first place, the said Court of competent criminal jurisdiction will not be in judicial duty bound to determine the exact quantum of the amount that the Applicant committed defalcation, etc. One cannot lose sight of the fact that there are other co-accused, and therefore, even the conviction of the Applicant as indeed

any accused for that matter is in the realm of uncertainty. The fact that even at the highest, the basic ambit of the prosecution is such that apart from the fact that it may not be possible for that Court to quantify the amount, it will not be in a position to enforce the payment of that amount to the Respondent by the Applicant. Although, it may be possible for that Court to even see to it that the accused before that Court were marched to the prison were they to be convicted and sentenced. No proceeding either judicial or administrative is pending as on date, which could ensure in the first place the exact quantification of the amount and secondly, the enforcement of the payment of that amount. I must repeat that it is not for nothing that this aspect of the matter that is being emphasized. I have already indicated above that it was open to the Respondent to, apart from initiating prosecution proceedings against the Applicant to proceed against him departmentally, if not under any other provision, at least under Rule 27 of the M.C.S (Pension) Rules. The Respondent has not been able to demonstrate as to in what way in whichever manner, the criminal prosecution culminates in future, they would be able to recover any amount from the Applicant. The Rules relevant hereto, including the one that has been reproduced above, in my view, proceed on the basis that there is an amount determined or at least determinable which is surely something more than high sounding allegations and a mere chance withholding of the amount of gratuity and encashment of leave.

18. The above discussion would, therefore, make it very clear that it is not at all possible for the Tribunal to uphold the impugned orders, and therefore, the Applicant would be entitled to get back the held-up gratuity and leave encashment amount. But still in my view, it will be in the interest of justice to direct the Applicant to submit an undertaking as indicated hereinbelow, so that he will be able to get his dues immediately and in the event, he was to be found liable to pay a certain amount, there would be surety for the Respondents to get the same for, after-all it is a public money.

19. In view of the foregoing, the orders herein impugned stand hereby quashed and set aside subject to the Applicant filing an undertaking in this OA before this Tribunal, even after this order within three weeks from today that in the event in future, a particular amount would be found payable by him to the Respondent, he shall subject to his rights to challenge the same in accordance with law, pay the same to the Respondent within eight weeks of the final determination thereof."

22. The criminal case is on the basis of private complaint against Applicant may be due to rivalry between Applicant and complainant and admittedly allegations in said criminal case are not at all related to discharge of any duties of the Applicant as public servant.

23. Admittedly there is no allegation that some financial loss has been caused by the Applicant or anything is to be recovered from him and therefore there is no point in declining pension and gratuity to the Applicant only because some criminal case has been filed against him.

24. There is nothing on the record to show that the cognizance has been taken by the Metropolitan Magistrate or charge has been framed in the criminal case against the Applicant.

25. Learned P.O. for the Respondents submitted that the grant of pension is always subject to good conduct and therefore since the criminal case is pending, regular pension cannot be granted. In this regard it is material to note that if in case the Applicant is convicted, the Competent Authority will always be at liberty to take action as per the rules. Criminal case against the Applicant is pending since 2002 and till today the competent court has not been taken cognizance and on the contrary the proceedings are stayed by the Hon'ble High Court. Rule 27 of MCS (Pension) rule clearly shows that the Government may withhold or withdraw the pension which means that Government has discretion whether to withhold or withdraw the pension or not. Therefore these circumstances as already stated should have been considered.

26. Learned Advocate for the Applicant also placed reliance on the judgment in O.A.No.343 of 2015 in case of Shri Shrikant Shankar Rahate Vs. The Deputy Commissioner of Sales Tax delivered by this Tribunal on 11.3.2016. Against this, the learned P.O. for the Respondents relied on the judgment in case of Lakhminder Singh Brar Vs. Union of India & Ors. delivered by the Hon'ble Delhi High Court on 16.9.52010. The points raised in both the judgments are already discussed in above mentioned paragraphs.

27. Considering the discussion as already stated, I am of the opinion that the Applicant should be granted regular pensionary benefits and gratuity and other consequential benefits since he has been allowed to retire honourably. Hence the following order:-

- (a) Original Application is allowed in terms of prayer clause 9(a).
- (b) Necessary directions be issued by the Competent Authority granting regular pensionary benefits to the Applicant within three months from the date of this order.
- (c) No order as to costs.

Sd/-

(J.D. Kulkarni )

Vice Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.200 OF 2021**

**DISTRICT: THANE**

- 1) Shri Suhas Ramachandra Bagde, )  
Age 59 yrs., Occupation: Retired Govt. Officer, )  
R/o. Flat No.701, Angelika, Building No.15, )  
Highland Residency, Kolsheth Road, Dhokali, )  
Thane (W), 400607. )
- 2) Shri Nandkumar Jagannath Mahajan, )  
Age 58 yrs, Occupation: Retired Govt. Officer, )  
R/o. L4/14, Sector 15, Kharghar, Navi Mumbai )  
410 210. )
- 3) Shri Sureshkumar Ramachandra Nalavade, )  
Age 58 yrs, Occupation: Retired Govt. Officer, )  
R/o. Plot No.18, Balaji, Sagar Park, Lane No.2 )  
Behind Hotel Sarvodaya, Nagar Road, )  
Vadgaon Sheri, Pune 411 014. )... **Applicant**

**Versus**

- 1) The State of Maharashtra, )  
Through its, Principal Secretary, )  
Department of Industries, Energy and Labour )  
Mantralaya, Mumbai-32. )
- 2) The Chief Electrical Inspector, )  
Department of Industries, Energy and Labour )  
Office at: 3<sup>rd</sup> Floor, Administrative Building )  
Ramkrishana Chemburkar Marg, Chembur (E) )  
Mumbai-400 071. )
- 3) The Superintending Engineer, )  
Department of Industries, Energy and Labour )  
Office at: 3<sup>rd</sup> Floor, Administrative Building )  
Ramkrishana Chemburkar Marg, Chembur (E) )  
Mumbai-400 071. )

*[Handwritten signature]*

- 4) The Accountant General (A&E)-1, )  
Maharashtra State, 101, Maharshi Karve Road, )  
Mumbai – 400 020. )...**Respondents**

Shri S. D. Patil, learned Advocate for the Applicants.

Shri A. J. Chougule, learned Presenting Officer for the Respondents.

CORAM : A.P. Kurhekar, Member (J)

DATE : 07.03.2022.

**ORDER**

1. This Original Application is filed by the Applicants for direction to release withheld retiral benefits with interest.

2. Shortly stated facts giving rise to present Original Application are as under:-

Applicant No.1- Shri Suhas Bagade stands retired from the post of Superintendent Engineer on 31.05.2019. Applicant No.2 –Shri Nandkumar Mahajan stands retired from the post of Electrical Inspector on 31.05.2020. Whereas, Applicant No.3 – Shri Sureshkumar Nalavade stands retired as Superintendent Engineer on 30.11.2020. On the date of retirement, there was no legal hurdle in the nature of pendency of departmental enquiry (D.E.) or criminal prosecution against them. Despite this position, the retiral benefits were not paid within time, and therefore, they have approached this Tribunal for directions to release withheld retiral benefits along with interest.

3. Claim of Applicant No.1- Shri Suhas Bagade.

His retiral benefits were paid but belatedly. Therefore, he is claiming interest on belated payment of Leave Encashment, Gratuity, Group Insurance Scheme amount, Pension and Commutation of pension. Beside, and Luggage Allowance.

4. Claim of Applicant No.2- Shri Nandkumar Mahajan.

He is claiming direction for releasing Gratuity, Commutation of Pension, Luggage Allowance with interest and also claims interest on Leave Encashment, GIS for belated payment.

5. Claim of Applicant No.3 –Shri Sureshkumar Nalawade

The Applicant is claiming Gratuity, Commutation of Pension and Luggage Allowance with interest and also claims interest on belated payment of Leave Encashment, GIS amount for the belated period.

6. Heard Shri S.D. Patil, learned Counsel for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

7. Insofar as the claim made by Applicant No.1- Shri Suhas Bagde is concerned, in Affidavit in Reply all that it is stated that payment has been delayed due to some procedural formality and due to Covid-19 pandemic situation. Admittedly, there was no legal hurdle in the nature of pendency of D.E. or criminal prosecution against him on the date of retirement. He retired on 31.05.2019 when there was no emergence of Covid-10 situation, therefore, it is explicit that the Applicant is deprived of retiral benefits for long period due to sheer laxity and lapses on the part of department.

8. As regard Applicant No.2 Shri Nandkumar Mahajan, in Affidavit in Reply, it is stated that there was some move for registration of crime under Section 176 of IPC against the Applicant in view of the order passed by learned J.M.F.C. Chandwad, Dist. Nashik in Criminal Case No.313/2014 on 08.06.2017. It appears that learned Magistrate has directed to lodge complaint against Shri Mahajan after obtaining sanction in terms of Section 197 of the Code of Criminal Procedure, 1973. However, admittedly no such sanction was accorded. Indeed, the Law and Judiciary department by its letter dated 20.05.2020 informed the department that there is no sufficient evidence of grant of sanction for offence under Section 176 of IPC as proposed by the department.

This being the position, there was no legal hurdle against him to withhold the retiral benefits as no FIR or criminal prosecution or D.E. was initiated or pending at the date of retirement. Despite, this position, he was not paid Gratuity, Commutation of Pension and Luggage Allowance. He was paid Leave Encashment, GIS amount belatedly, and therefore, claims interest on the said amount.

9. Whereas in respect of Applicant No.3 - Shri Nalawade, perusal of Affidavit in Reply reveals that one open enquiry proposal of ACP was pending before the Government, and therefore, no objection certificate was not issued by the department. Shri A. J. Chougule, learned P.O. submitted that the proposal was forwarded to Law and Judiciary department but nothing happened thereafter. As such, in the matter of Shri Nalawade also on the date of retirement neither there was any D.E. nor any criminal prosecution initiated against him in the court of law so as to withhold the retiral benefits. Mere pendency of some proposal cannot be the ground to withhold the retiral benefits. Shri S. D. Patil, learned Counsel for the Applicant submits that as per instruction, the Government has already closed the proposal of open enquiry.

10. Needless to mention, the retiral benefits namely Gratuity and Regular pension can be withheld only in the case where D.E. or criminal prosecution is pending on the date of retirement as specifically provided under Section 130(1)(c) of 'Pension Rule'.

11. At this juncture, it would be apposite to refer Rule 120, 121 and 122 of Maharashtra Civil Services (Pension) Rules, 1982 which are as under :-

***"120. Preparation of pension papers***

- (1) *Every Head of Office shall undertake the work of preparation of pension papers in Form 6 in respect of Non-gazetted Government servant as well as Gazetted Government servant, whose pay and allowances are drawn by him on establishment bills, two years before the date on which they are due to retire on superannuation ;*



or on the date on which they proceed on leave preparatory to retirement whichever is earlier.

- (2) The Audit Officer shall undertake the work of preparation of pension papers in Form 6, two years before the date on which a Gazetted Government servant, other than mentioned in sub-rule (1) above who is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.
- (3) The time schedule and procedure prescribed in these rules shall be followed by the Audit Officer on whom the responsibility for preparation of pension papers in respect of Gazetted Government servants under sub-rule (2) has been entrusted.
- (4) In the case of a Government servant holding a lien, or a suspended lien on a Non-gazetted post and holding a Gazetted post in a temporary or officiating capacity at the time of retirement and whose pay and allowances are not drawn by the Head of Office on establishment bills, the Head of Office shall send the service book of the Government servant concerned to the Audit Officer two years in advance of the date of retirement of such Government servant or as soon as possible if such Government servant is promoted to officiate in a Gazetted post only during the last year of his service after verifying that the certificate of verification relating to non-gazetted service has been recorded and that the service book is complete in all respects.

#### **121. Stages for the completion of pension papers**

(1) The Head of Office shall divide the period of preparatory work of two years referred to in rule 120 in the following three stages:-

(a) First Stage - Verification of service :- (i) The Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the entire service are recorded therein.

(ii) In respect of the unverified portion or portions of service, he shall arrange to verify the portion or portions of such service, as the case may be, with reference to pay bills, a quittance rolls or other relevant records, and record the necessary certificates in the service book.

(iii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the Government servant in another Office or Department, a reference shall be made to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification.

(iv) If any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-clause (i), or sub-clause (ii), or sub-clause (iii), the Government servant shall be asked to file a written – statement on plain paper stating that he had in fact rendered that period of service, and shall, at the foot of the statement, make and

subscribe to a declaration as to the truth of that statement, and shall, in support of such declaration, produce all documentary evidence and furnish all information which is in his power to produce or furnish.

(v) The Head of Office shall, after taking into consideration the facts in the written-statement and the evidence produced and the information furnished by that Government servant in support of the said period of service, admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant.

**(b) Second Stage – Making good omission in the service book :-**  
 (i) The Head of Office while scrutinizing the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of 'Pensionable Pay' and the service qualifying for pension.

(ii) Every effort shall be made to complete the verification of service, as in clause (a) and to make good omissions, imperfections or deficiencies referred to in sub-clause (i) of this clause. Any omissions, imperfections or deficiencies including the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book.

(iii) Calculation of Pensionable Pay :- For the purpose of calculation of pensionable pay, the Head of Office shall verify from the service book the correctness of the pay drawn or to be drawn during the last ten months of service. In order to ensure that the pay during the last ten months of service has been correctly shown in the service book, the Head of Office may verify the correctness of pay for the period of twenty-four months only, preceding the date of retirement of a Government servant, and not for any period prior to that date.

**(C) Third Stage – Obtaining Form 5 by the Head of Office :-** Eight months prior to the date of retirement of the Government servant, the Head of Office shall obtain Form 5 from the Government servant, duly completed.

(2) Action under clauses (a), (b) and (c) of sub-rule (1) shall be completed eight month prior to the date of retirement of the Government servant.

## **122. Completion of pension papers**

The Head of Office shall complete Part I 1 (and Part-III) of Form 6 not later than six months before the date of retirement of the Government servant."

12. As such, the responsibility has been fixed upon the Head of Office to undertake the work of completion of pension papers well in advance

as to submit the same to the concerned Authority so that pension and other retiral benefits are paid to a Government servant within prescribed period. However, in the present case, no such steps are taken. It clearly exhibits lapses and negligence on the part of concerned which deprived the Applicants from utilizing their retiral benefits.

13. The Applicant No.1 Shri Bagde's claim is restricted to interest on belated payment. He claims interest on Leave Encashment being paid after 14 months. He retired on 31.05.2019 and in terms of Rule 68 of Maharashtra Civil Services (Leave) Rules, he was entitled for Leave Encashment within one month in terms of G.R. dated 20.06.1996 issued by Finance Department. However, it was paid belatedly on 31.07.2020. Whereas, Gratuity amount was required to be paid within three months from the date of retirement in terms of Rule 129 (a) of 'Pension Rules'. However it was belatedly paid on 01.09.2019. Whereas, GIS amount which was required to be paid within three months from the date of retirement in terms of G.R. dated 27.05.1992, it was paid belatedly on 02.12.2020. As regard Pension and Commutation of Pension which was required to be paid within six months, it was also paid belatedly. Therefore, in terms of Section 129 (b) of 'Pension Rules', the Applicant's claim for interest for belated payment beyond six months at the rate applicable to GPF cannot be denied.

14. As regard claim of Applicant No.2 Shri Mahajan, he was not paid Gratuity which was required to be paid within three months from the date of retirement. Besides, he was not paid Commutation of Pension, and he is deprived of using the amount of Commutation of Pension for a long time. Therefore, his claim for interest on belated payment of Gratuity and Commutation of Pension cannot be denied. Insofar as amount of GIS, it was also paid belatedly which was required to be paid within 3 months from the date of retirement but paid on 19.02.2021.

15. Now coming to the claim of Applicant No.3 – Shri Nalawade, in his matter also the Gratuity, Pension and Commutation of Pension is not paid till date, and therefore, the Respondents cannot avoid liability to

pay interest for belated period till the date of payment. Insofar as Leave Encashment is concerned, it was required to be paid within a month from the date of retirement in terms of G.R. dated 20.06.1996 but paid belatedly.

16. The totality of the aforesaid discussion leads me to sum up that the Applicants are deprived of retiral benefits discussed above due to sheer lapses and negligence on the part of department. There was no legal hurdle for withholding the said benefits. Original Application is, therefore, deserves to be allowed with suitable directions. Hence the following order :-

### **ORDER**

(A) Original Application is partly allowed.

(B) The Respondents are directed to pay interest on belated payment of retiral benefits of Leave Encashment, Gratuity, GIS, Pension and Commutation to the Applicant No.1 at the rate applicable to GPF and shall calculate the period for which the payment is delayed and accordingly, shall pay interest within a month from today.

(C) The Respondents are further directed to release Gratuity, Regular Pension and Commutation of Pension to the Applicant No.2 and shall pay interest thereon for the period for which it is belated at the rate applicable to GPF within a month from today.

(D) The Respondents are further directed to pay Gratuity, Pension and Commutation of Pension to the Application No.3 along with interest at the rate applicable to GPF for which it is belated within a month from today.

(E) Insofar as Luggage Allowance is concerned, the Applicant No.1 - Shri Bagde has already received the same during pendency of this O.A. However, the Luggage Allowance of Applicant No.2 Shri Mahajan and Applicant No.3 Shri Nalawade is not paid. It be processed and paid as per their entitlement within a month from today.

(F) The Respondents are at liberty to fix the responsibility for the said lapses for delaying payment and may recover the same from the concerned.

(G) No order as to costs.

Sd/-  
**(A.P. Kurhekar)**  
**Member (J)**

Place: Mumbai  
Date: 08.02.2021  
Dictation taken by: Vaishali S.Mane

