

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 200 of 2023 (S.B.)

Shri Rajendra s/o Bhimrao Manekar,
 Aged about 66 years, Occu.: Retired,
 R/o House No.1, Prabhat Colony,
 Dasara Ground Amaravati-444605.

Applicant.

Versus

- 1) The State of Maharashtra,
 Through its Secretary,
 Higher & Technical Education Department,
 Mantralaya, Mumbai-32.
2. Director of Higher Education (M.S),
 Central Building, 1st floor, (M.S) Pune,
 Pune-411001.
3. The Principal, Government college of Education,
 Ramdaspath Akola, near Akola Netra Hospital,
 Akola-01.
4. Accounts & General (A&E II),
 Nagpur, Civil Lines, Nagpur-440001.

Respondents.

Shri A.P. Sadavarte, Advocate for the applicant.

Shri S.A. Sainis, learned P.O. for respondents.

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

Dated :- 29/01/2025.

J U D G M E N T

Heard Shri A.P. Sadavarte, learned counsel for the
 applicants and Shri S.A. Sainis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed as a Lecturer and posted at Government College of Education, Bhandara on 10/08/1987. Thereafter, the applicant was transferred to Yavatmal and thereafter to Akola. The applicant came to be retired on 31/07/2019 after completion of the age of superannuation, i.e., 62 years. On 20/08/2019 respondent no.2 has directed to respondent no.3 to take step for disbursement of the retirement benefits. The respondents have not paid the retiral benefits on the ground that the applicant has committed misconduct and likely inquiry was to be initiated. Therefore, the applicant has approached to this Tribunal for the following reliefs –

“(i) direct the respondents to grant and pay Gratuity with interest and also directed to pay regular pension to the applicant along with interest and Commutation value of Pension.

(ii) direct the respondents to make and pay amount of difference and arrears after the revised pay fixation as per 6th pay commission scheme.

(iii) direct the respondents to make and pay amount of difference and arrears after the revised pay fixation as per 7th pay commission scheme.

(iv) to pay the provisional pension as per 7th pay commission scheme.

(v) direct the respondents to pay the pension and gratuity along with interest as per MCSR Rules, 1982 under Rules 129 (A) and 129 (B) of the MCSR (Pension) Rules, 1982;

(vi) held and declare that the respondents have not complied with the procedures regarding disbursement of retirement benefits to the

applicant as mentioned under Rules 118 to 126 of the MCSR (Pension) Rules and therefore the respondent is liable for interest on all pensionary benefits payable to the applicant;”

3. The respondents have opposed the O.A. It is submitted that the applicant is getting provisional pension. It is submitted that the applicant was held responsible along with other employees for misappropriation of funds. Para-12 of the reply is reproduced below –

“ (12) It is submitted that, the respondent no. 3 on its own and only in order to bring the necessary facts before the Hon'ble Tribunal is joining a letter vide no. 778, dated 16/12/2021 wherein the present applicant who was serving as the then Principal was held responsible alongwith other persons by an independent technical committee from Government Agency wherein it was held that the applicant alongwith others had misappropriated funds pertaining to the accounts of UGCIQAC to the tune of Rs.2,06,000/- as per letter dated 16/12/2021. ”

At last it is submitted that in view of the submission, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for applicant has pointed out the documents on record. As per the Certificate dated 06/09/2024 no any inquiry is pending against the applicant. The Government has taken decision directing respondent no.2 to pay all the benefits of 7th Pay Commission and all other retiral benefits as per letter dated 10/07/2024. As per letter dated 22/07/2024 respondent no.3 informed the respondent no.2 that inquiry is not

possible. Today learned P.O. has filed letter dated 29/01/2025. It is taken on record and marked Exh-X for identification. As per this letter, five installments of 7th Pay Commission is already paid in cash and pay bill of different amount is submitted to the Treasury Office.

5. From the submission, it is clear that no any departmental inquiry is pending against the applicant, therefore, the respondents cannot withheld the retiral benefits as per Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondent no.2 is directed to pay regular pension and all other retiral benefits including DCRG, GPF etc. within a period of three months from the date of receipt of this order.

(iii) No order as to costs.

Dated :- 29/01/2025.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 29/01/2025.