

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.502/2017 (S.B.)**

Murlidhar S/o Keshavrao Chaudhari,  
 Aged about 71 years, Occ: Retired,  
 R/o Civil Lines, Paratwada,  
 In front of Post Office, District: Amravati.

... **APPLICANT**

**// V E R S U S //**

- 1] State of Maharashtra,  
 Through its Secretary,  
 Agriculture Department,  
 Mantralaya, Mumbai-32.
- 2] The Commissioner of Agriculture,  
 Maharashtra State, Pune, Central Building,  
 Near Railway Station, Pune.
- 3] The Director of Horticulture,  
 Maharashtra State, Shivaji Nagar, Pune.
- 4] The Joint Director of Agriculture,  
 Maharashtra State, Amravati Division, Amravati.

... **RESPONDENTS**

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**Shri G.G. Bade, Ld. Counsel for the Applicant.**

**Shri S.A. Sainis, Ld. P.O. for the Respondents.**

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

**Dated :- 22/01/2025.**

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**J U D G M E N T**

Heard Shri G.G. Bade, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The case of applicant in short is as under:-

The applicant was appointed in the Year 1967 on the post of Agriculture Supervisor. He was posted at Achalpur Champu. Thereafter, applicant was promoted on the post of Horticulture Officer and posted at Asalgaon in Buldhana District. Applicant was transferred to Horticulture Office at Amravati as per order dated 25/09/1989. But when he submitted joining report on 05/10/1989 to join at Amravati, he was not allowed. Another Officer had obtained a stay to the transfer order from the Hon'ble High Court.

3. Father of applicant was expired in the month of December, 1989. Applicant requested for his transfer at Nagpur, but his request was not considered. After the death of father, applicant was frustrated and psychologically disturbed. The applicant was transferred to Shrivardhan, District Raigarh on 30/06/2009. Applicant was admitted to Mental Hospital for treatment. Respondent No.2 issued letter for submitting medical

certificate to the applicant. Applicant's son submitted medical report on 20/11/1994. On 04/06/1996 fitness certificate was submitted. Applicant was entitled for medical leave from 1989-1996. Respondent No.2 issued order for producing medical board certificate. The Medical Board, Yavatmal has examined the applicant on 22/04/1997. Respondent No.2 issued letter to Applicant for joining duty on 02/12/1997. On 01/01/1998 applicant submitted joining letter. Applicant after waiting for about 1 year, submitted representation to join the duty. In the meantime, the applicant attained the age of superannuation. The applicant came to be retired on 31/08/1999. The respondents have not paid pensionary benefits and arrears of 5<sup>th</sup> pay commission. Therefore, applicant has approached to this Tribunal for the following reliefs:-

*“8(1) the applicant seeks relief as per Table Nos. at Annexure-19 to Annexure-24 annexed herewith with the original application.*

*(ii) The applicant further claims the amount stated in statement Annexure-25.*

*iiia) The petitioner's absence was treated as Extra Ordinary Leave and therefore no retirement benefit is granted to the applicant in respect of the same as it is necessary to grant the same.*

*iiib) The applicant has not been paid wages even as per order dated 6.6.2000 onwards which can not be applied to the petitioner.*

*iic) In brief the applicant has been denied the payment as per 4<sup>th</sup> Pay Commission and Pay Scale 2000-3200 for a period from 1.10.1986 to 4.11.1989 and thereafter from 5.11.1989 to 3.6.1998. As per the said period the amount due is 16772 + 16,23,270/-.*

*iid) The applicant is also entitled to receive salary for the period from 4.6.1996 to 31.8.1999 as he was not got joined for the said period and the amount comes to Rs. 4,38,527/-. The applicant is also entitled for 180 days earned leave for the period 4.10.1989 to 9.4.1990 of Rs. 70,940/-.*

*iee) The applicant is also entitled for payment of gratuity as per 5<sup>th</sup> Pay Commission amounting to Rs. 86,884/-*

*iid) The applicant is also entitled for difference of arrears of salary as per 5<sup>th</sup> Pay Commission amounting to Rs. 1,27,451/-. The applicant has filed 5 statements explaining the same. Annexure A-19 to Annexure A-24. The applicant is thus entitled for interest on the said amount at 18% per annum. Thus, the total amount receivable by the applicant is Rs. 78,38,046/- Annexure A-25.”*

**4.** O.A. is strongly opposed by the respondents. It is submitted that applicant was absent for a long period from 13/09/1982 to 04/10/1989. The applicant has not joined his duty till retirement. Therefore, applicant is not entitled for the relief. It is submitted that applicant has not made any representation. Therefore, O.A. is liable to be dismissed.

**5.** During the course of submission, learned counsel for applicant has submitted that applicant is getting pension, but some

arrears of 4<sup>th</sup> and 5<sup>th</sup> Pay commission was not granted to the applicant. Learned P.O. has made a statement that applicant without making any representation approached to this Tribunal. Applicant was absent for a long period i.e. from 1982 to 1989.

**6.** This fact is not disputed by the applicant. Applicant was absent for near about 7 years and thereafter again applicant remained absent from 05/10/1989 to 31/08/1999 i.e. the date of retirement. It appears that the applicant has not made any representation and directly approached to this Tribunal. Hence, the following order:-

**O R D E R**

- (i) O.A. is partly allowed.
- (ii) The applicant is directed to make representation to the respondents and respondents shall decide the same as per rules.
- (iii) No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman.**

**Dated :-22/01/2025.**  
**PRM.**

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 22/01/2025.