

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.674/2019 (S.B.)

Bhaskar s/o Nandaji Bambole,)
 Aged about 60 years, Occ : Retired,)
 R/o 46 Hemprabha Appartment,)
 Flat No A/13, Pandey lay Out,)
 Khamla, Nagpur.)
 ... **APPLICANT**

// V E R S U S //

1] **The State of Maharashtra,**)
 Through its Chief Secretary,)
 Revenue and Forest Department,)
 Having its office at)
 Mantralaya, Mumbai - 400 032.)
 2] **The Divisional Commissioner,**)
 Nagpur Division, Nagpur.)
 3] **The Collector Gadchiroli,**)
 District Gadchiroli.)
 ... **RESPONDENTS**

Shri K.Kalidas, P. Bambole, Learned counsel for the Applicant.

Shri V.A. Kulkarni, Learned P.O. for the Respondents.

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

Dated :- 21/02/2025.

J U D G M E N T

Heard Shri K.Kalidas, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. Applicant has filed the present Original Application for direction to the respondents to release the pensionary benefits.

3. The O.A. is strongly opposed by respondents. It is submitted that applicant was arrested by the Police for accepting bribe. Therefore, offence punishable under Section 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, is registered against applicant. Criminal case is still pending against applicant, therefore, applicant is not entitled to get pension.

4. During the course of submission, learned counsel for applicant has pointed out the Government Gazette dated 29/06/2016 and submitted that only the proportionate amount is to

be withheld by the respondent. The Government Gazette is in respect of the adjustment of the amount of misappropriation. In the present O.A., applicant was arrested by the Police for accepting bribe. Criminal case is pending against applicant. Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 is very clear. Applicant is getting provisional pension as per Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982. The Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.3978/2018 in the case of ***Govind Trimbakrao Kanadkhedkar VS Chief Executive Officer***, decided on 08/01/2019 has held as under:-

“1. Mr. Bobade, learned counsel for the petitioner seeks relief of all pensionary benefits. According to the learned counsel, the petitioner stands retired on attaining the age of superannuation on 31.10.2017. The petitioner was placed under suspension in September-2016. On account of the fact that criminal case is filed against the petitioner the departmental enquiry was not initiated against the petitioner. In view of that, the learned counsel seeks regular pension with all retiral benefits.

2. We have heard the learned counsel for the respondents.

3. It is not disputed that the criminal prosecution is pending against the petitioner. Rule 130 of Maharashtra Civil Services (Pension) Rules, 1982

apply. In view of the said provision, the petitioner is entitled for provisional pension pending the judicial proceedings. As provisional pension is already sanctioned to the petitioner, the relief of pensionary benefits as claimed by the petitioner can not be granted.

4. The petitioner may make an application to the Court where the criminal prosecution is pending to decide his criminal prosecution expeditiously.

5. The writ petition is disposed of. No costs."

5. In view of the Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in ***Govind Trimbakrao Kanadkhedkar (cited supra)***, applicant is at liberty to approach to the concerned Court for deciding the criminal case pending against him. Applicant is not entitled to get regular pension in view of Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982. Hence, the following order:-

ORDER

The O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :- 21/02/2025.
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 : 21/02/2025.