

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC. APPLICATION NO.238 OF 2024
IN
ORIGINAL APPLICATION NO.507 OF 2024**

**DISTRICT: Satara
SUB : Arrears of suspension period**

Shri Rajendra Narayan Bhanase)
Age:- 50 years, Occ. Joint Sub Registrar Class II)
Satara, R/at & Post Pattankodoli, Taluka : -)
Hatkangale, Dist. Kolhapur.)... **Applicant**

Versus

- 1) The State of Maharashtra, through its)
Addl. Chief Secretary, Revenue (Stamps &)
Registration), Department, Mantralaya,)
Mumbai 400 032.)
- 2) The Inspector General of Stamps &)
Registration, New Administrative Building,)
4th floor, opp. Vidhan Bhavan,)
Pune 411 001.)...**Respondents**

Shri M. B. Kadam, learned Advocate for the Applicant.

Shri A. D. Gugale, learned Presenting Officer for the Respondents.

CORAM : Shri Ashutosh. N. Karmarkar, Hon'ble Member (J)

DATE : 05.09.2024.

ORDER

1. This is an application for condonation of delay about 25 months caused in filing Original Application.

2. Learned Advocate for Applicant submits that the Respondent No.2 vide order dated 13.01.2021 has regularized the period between 07.08.2014 to 04.06.2017 as duty period but refused to pay arrears of pay of period under suspension which is arbitrary. According to learned Advocate for Applicant, this impugned order was passed during the

Covid-19 period, and therefore, limitation period was extended upto 31.05.2022. The Applicant was required to file this application before 31.05.2023 but due to his promotion as Joint Sub Registrar, Class-II, he was busy with his responsibilities. Secondly, the Applicant was required to look after his old aged parents who were residing at Pattankodoli, Taluka Hatkangale, Dist. Kolhapur and having health issues.

3. The Respondent No.1 & 2 have filed their reply and objected the application. According to them, the crime was registered on 04.07.2014 against the Applicant under Prevention of Corruption Act and in respect of it Special Case No.1/2015 was filed. Similarly, the departmental enquiry was also initiated. In departmental enquiry, the Enquiry Officer has reported that charges are not proved. Similarly, the Applicant was acquitted in Criminal Case. The objection of the Respondent is that delay is not properly explained by learned Advocate for Applicant. Secondly, the impugned order was not challenged by way of appeal under Rule 17 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

4. I have heard Shri M. B. Kadam, learned Advocate for Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents. Both the parties have submitted as per their respective submissions.

5. It is undisputed fact that the period between 07.08.2014 to 04.06.2017 is regularized but the Respondent refused to pay arrears of pay and allowance during that period as per impugned order dated 13.01.2021.

6. As per order of the Hon'ble Apex Court in M.A.No.21/2022 in Suo Motu W.P.(C) No.3/2020, dated 10.01.2022, it is held that in cases where limitation would have expired during 15.03.2020 till 28.02.2022,

notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022.

It is undisputed fact that the Applicant was promoted as Joint Sub Registrar, Class-II in September 2022. The contents in application that Applicant was busy in his new responsibilities of promoted post gets support from his Affidavit. This ground is not specifically denied.

It also appears that Applicant is residence of Pattankodoli, Tal. Hatkanagale, Dist. Kolhapur and his age is 50 years. There is no reason to disbelieve the contentions in the application supported by Affidavit that due to health issues of parent, the Applicant could not approach this forum early. However, considering the facts of the matter, it would be appropriate to allow application subject to payment of cost to the State. Hence, the following order :-

ORDER

- (A) The Misc. Application is allowed subject to depositing cost of Rs.2000/- in the office of this Tribunal payable to State.
- (B) The Applicant shall deposit the amount of cost within two weeks from the date of this order.

Sd/-

(Ashutosh N. Karmarkar)
Member (J)

Place: Mumbai

Date : 05.09.2024

Dictation taken by: V. S. Mane

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