

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.113 OF 2019**

**DISTRICT : SOLAPUR**

Shri Nivarutti N. Jagtap  
Age : Adult, Residing at Village Ahergaon,  
Taluka - Mada, Dist. Solapur.

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)...Applicant

**Versus**

1. The State of Maharashtra, through Principal Secretary, Finance Department, Mantralaya, Mumbai.
2. The State of Maharashtra, through Principla Secretary of Revenue Department, Mantralaya, Mumbai 400 032.
3. Divisional Commissioner, Pune Division, Pune Council Hall, Queens Garden Camp, Pune 411 001.

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)...Respondents

**Shri A. A. Gharate, Advocate for Applicant.**

**Shri A. J. Chougule, Presenting Officer for Respondents.**

**CORAM : SHRI A.P. KURHEKAR, MEMBER-J**

**DATE : 28.03.2019**

**JUDGMENT**

1. Heard Shri A. A. Gharate, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

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2. At the very outset, it needs to be stated that this is a case which shows total negligence and lethargy on the part of the Respondents as well as insensitiveness towards plight and agony of the pensioner which needs to be looked into seriously. In 2006, the Applicant was working as Mandal Officer, Village Pimpai in Malshiras Taluka, Dist. Solapur. By order dated 20.10.2006 he was kept under suspension in view of registration of offences under the provisions of Prevention of Corruption Act. The D.E. was initiated by issuing charge sheet on 29.03.2007. Thereafter the applicant was reinstated in service on 07.10.2009. The enquiry officer was appointed on 26.02.2009. The enquiry officer submitted its report to the Divisional Commissioner on 27.07.2010 and exonerated the Applicant from the charges levelled against him. In so far as Criminal Case is concerned, he was acquitted by the Special Court on 31.12.2012. In the meantime, the Applicant stands retired from the post of Naib Tahsildar on 30.05.2013. In the meantime, the appeal filed by the State Government against the acquittal against the Applicant before the Honble High Court was withdrawn by the Government on 03.03.2015 to the extent of Applicant. After his retirement, he made various representations to the Collector as well as to the Respondent No.3 to release retiral benefits by letters dated 02.02.2013, 15.02.2013, 07.04.2015, 07.09.2015 and 02.07.2018 but in vain.

3. On the above background, having found no other alternative, the Applicant has approached this Tribunal by filing this O.A. on 05.02.2019.

4. When the matter was placed before this Tribunal having noticed appalling situation, this Tribunal has passed speaking orders on 14.03.2019, 18.03.2019 and on 25.03.2019 to know why the final decision has not been taken in D.E. It is only after the order passed by this Tribunal, the Respondent No.1 woke up, searched the file and passed final order on 25.03.2019 and thereby dropped the D.E. accepting the report of the enquiry officer and the suspension period has been regularized.

5. It is thus shocking that despite the submission of enquiry report to the Divisional Commissioner on 27.07.2010, it took nine years for passing the final order which is beyond imagination and the lethargy, inaction and negligence on the part of the concerned to take timely steps in the matter is obvious.

6. Learned P.O. for the Respondents sought to contend that the final order could not be passed in D.E. due to misplacing of file, shifting of office and lack of staff. These are nothing but lame excuses which cannot be the ground to delay passing of final order in D.E. that took nine years. The Applicant has been deprived of getting his legitimate dues i.e. pensionary benefits for about six years from the date of retirement. There is absolutely no hurdle in processing the D.E. finally. This being the position, negligence and lethargy on the part of concerned is manifest. The Applicant is, therefore, definitely entitled to interest on delayed payment of gratuity and pension as contemplated u/s 129 (A) and 129(B) of the Maharashtra Civil Services (Pension) Rules, 1982, as he has been deprived of his legitimate retiral dues wholly because of administrative lapses. The Applicant is also entitled to cost of Rs.10,000/- toward cost of litigation.

7. In view of above, the Original Application is disposed of with suitable directions:-

- (a) The Original Application is allowed partly.
- (b) The Respondent No.2 is directed to release all monetary retiral benefits to the Applicant within one month from today.
- (c) The Respondent No.2 is further directed to cause inquiry about the delay in passing final order in D.E. and to fix the responsibility on the concerned person within three months from today.
- (d) The Respondent No.2 is further directed to take appropriate steps to decide the issue of grant interest on the delayed payment of gratuity and pension as contemplated under Rule 129(A) and 129(B) of MCS (Pension) Rules, 1982 and the same be paid to him within three months from today.
- (e) The Respondent No.2 and 3 are also directed to pay the cost of Rs.10,000/- jointly and severally to the Applicant as a cost of this litigation, within one month from today.

  
**(A.P. KURHEKAR)**  
**MEMBER (J)**