

Thakur

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/1516 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :-

30 APR 2016

**ORIGINAL APPLICATION NO. 145 OF 2015.
(Sub :- Pension/Pensionary Benefits & Memo of D.E.)**

- 1 Shri. Ashok H. Mankar,
R/at. B/401, Nancy Lake Homes, Near Bharti Vidyapeth, Pune Satara
Road, Pune-400 076.

....**APPLICANT/S.**

VERSUS

- 1 The State of Maharashtra,
Through The Principal Secretary,
Women & Child Welfare Dept.,
New Administrative Bldg.,
Mumbai-400 032.
- 2 The Commissioner, Women &
Child Welfare Dept., M.S., Pune.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 28th day of April, 2016 has made the following order:-

APPEARANCE : Shri. J.N. Kamble, Advocate for the Applicant.
Shri K.B. Bhise, P.O. For the Respondents.

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**

DATE : **28.04.2016.**

ORDER : Order Copy Enclosed/ Order Copy Over Leaf.

Malal
29/4/2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

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Tribunal's orders

O.A.145/2015

Shri A.H. Mankar ... Applicant
Versus
The State of Mah. & Anr. ... Respondents

Heard Shri J.N. Kamble, learned Advocate for the Applicant and Shri K.B. Bhise, learned P.O. for the Respondents.

The Applicant has come to this Tribunal seeking payment of pensionary benefits which were not paid to him as a DE was started against him. On 29th March, 2016 when this matter was heard by this Tribunal, it was reported that the report in the departmental enquiry against the Applicant has been received by the Government and the copy of the same has been forwarded to the Applicant on 4th February, 2016. As no reply was received from the Applicant, no further action could be taken. However, learned P.O. stated that the reply has now been received on 24.3.2016. Learned P.O. states that the enquiry will be completed in all respects within a period of two months and the Applicant will be informed about the decision of the enquiry.

As the Applicant has been paid all other retiral dues except gratuity and 10% of his G.P.F has been retained. He is also getting the provisional pension. Shri Kamble, learned Advocate stated that the 10% of G.P.F. amount has not yet been released and the Respondents be directed to release the same. As the provident fund is exempted from attachment, there appears to be no justification to retain this amount and the Respondents are directed to refund the said amount within a period of two months and to complete the D.E. against the Applicant in all respects within a period of two months from the date of this order.

With these directions, OA is disposed of with no order as to costs.

Sd/-

(Rajiv Agarwal)
Vice-Chairman
28.04.2016

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29/4/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal