

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

**REVIEW APPLICATION NO.33 OF 2015
IN
ORIGINAL APPLICATION NO.706 OF 2014**

The Executive Engineer,)
Sindhudurg, Kharland Development Division,)
Sindhudurg Nagari.) **.. Applicant**
(Org. Respondent No.1)

Versus

1) Shri Prakash Govind Kale,)
R/o. D-3, Shehal Apartments,)
Joshi Panand, Ratnagiri)
....Respondent (Org. Applicant)

2) Principal Secretary,)
Water Resources Department,)
Mantralaya, Mumbai 32)
.....Original Respondent No.2

3) Principal Accountant (A & E),)
M.S., Second Floor, Prathishtha Bhavan,)
New Marine Line, 101, Maharshi Karve Marg,)
Mumbai 20)
.... Original Respondent No.3.
..Respondents

Shri A.J. Chougule, the learned Presenting Officer for the Applicant (Org. Respondent No.1.)

Shri A.R. Joshi, the learned Advocate (Amicus curiae).

CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

DATE : 19.08.2016.

J U D G M E N T

1. Heard Shri A.J. Chougule, the learned Presenting Officer for the Applicant (Org. Respondent No.1) and Shri A.R. Joshi, the learned Advocate (Amicus curiae).

2. Though in the Review Application, Review of entire order is sought. Learned P.O. Shri A.J. Chougule states that the State shall be satisfied for Clause (c) and (d) of the order passed on 22.07.2015 in O.A.No.706 of 2014 is set aside / deleted.

3. Learned Advocate Shri A.R. Joshi in O.A. states that applicant concedes to the position that order clause c and d aforesaid namely :-

“c) The applicant shall be granted regular pension in accordance with the provisions of Rule 110(2)(b) of the MCS (Pension) Rules, 1982.

d) In this regard, the counsel for the applicant made a plea that the arrears of pension may be limited to three years prior to filing of the OA as has been held by the Tribunal in the past in some matters involving payment of arrears. The said plea is accepted and arrears of pension be paid accordingly.”

(Quoted from page 27 and 28 from the copy of order dated 22.07.2015)

can be recalled and set aside, in the background that for want of qualifying service applicant is not entitled for pension.

4. In view of the facts as have emerged and law as it applies the order passed by this Tribunal on 22.07.2015 in O.A.No.706/2014 is modified. The order clauses (c) and (d), (quoted hereinbefore in paragraph 3) be deleted from the original order in said O.A..

5. No costs.

SD/-
(A.H. Joshi, J.)
Chairman

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