

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO. 242 OF 2016

DISTRICT :Pune

Shri Arun Dattatraya Raste

)...**Applicant**

VERSUS

The State of Maharashtra & Ors.

)....**Respondents**

Shri A. M. Joshi, the learned Advocate for the Applicant.

Ms. S. Suryawanshi, learned Presenting Officer for the Respondents.

CORAM : Shri J.D. Kulkarni, Vice-Chairman.

DATE : 21.04.2017.

ORDER

1. Heard Shri A.M. Joshi, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. The Applicant in this case is claiming one increment in his pay scale in October, 1998 and therefore his pension be revised to Rs.9600/-. He is also claiming for consequential pension of Rs.4800 per month from the date of his superannuation till the actual amount is received. He is

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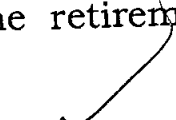
also claiming for direction to Respondents to pay gratuity of Rs.4251/- sanctioned by Account General, Bombay vide letter dated 10.10.2001 along with interest.

3. The Applicant seems to have filed representation on 3.2.2016 though it is stated in the said representation that the amount be paid with interest, the exact interest is not calculated.

4. The learned Counsel for the Applicant invited to my attention to the letter dated 31.10.2005, Exh. 'A-9' from which it seems that Assistant Account General has directed Deputy Director to verify the pay of the Applicant and to send proposal to revision of pay fixation.

5. The Applicant again filed representation on 18-20/6/2008 as per Exh. 'A-10', but till today no reply is received though the proposal has been forwarded to Competent Authority on 10.12.2009 as per Exh. 'A-12'. It seems that the pay has been revised as per letter dated 22.2.2010 Exh. 'A-13'.

6. The Learned Counsel for the Applicant submits that the Applicant was promoted as Assistant Apprentice Adviser w.e.f. 1.10.1997 but increment was not given to him. He invited to my attention to Exh. 'R-1', (Paper Book, page no.81) whereby the pay for promotion has been revised but the increment is refused on the ground that the Applicant has retired prior to one year and the retirement date as mentioned is 31.8.1998.



7. The Learned Counsel for the Applicant submits that the Applicant got retired on superannuation on 28.2.1999 and not on 31.8.1998 as mentioned in Exh. 'R-1'.

8. From the record it seems that the Applicant got retired on superannuation on 28.2.1999 and not on 31.8.1989. It prima-facie shows that refusal of increment on the ground that the Applicant has not completed one year's service on that year in the promotional cadre must be wrong.

9. The Learned Counsel for the Applicant submits that Applicant will file detailed affidavit seeking the interest on particular amount so also total period for which interest is to be claimed and seeks permission for filing of such affidavit.

10. The Applicant may file reply affidavit as requested and its copy be served on Respondent in advance and the Respondent may file reply to such affidavit giving details of payment made to the Applicant and to be paid to the Applicant.

11. S.O. to 06.06.2017. Treated as part-heard.

Sd/- 

(J.D. KULKARNI)
VICE-CHAIRMAN

Date : 21.04.2017
Place : Mumbai
Dictation taken by : SBA

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.337 of 2017</u></p> <p>Shri B.D. Agawane ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Ms Madhavi Ayyapan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>The Original Application has been heard quite considerably for interim relief. As the order was just about to be dictated, on the learned C.P.O.'s request it was kept back. He now mentions it and submits that he has just spoken to Shri Upadhyay, the Additional Director General of Police (Prison). He is currently on leave. The learned C.P.O. submits that he has told him that the case of the Applicant be reconsidered, bearing in mind the need for proper medical facility and till such time as the decision is taken after the said officer resumes on 25.04.2017, no disciplinary action be taken against the Applicant. This statement is accepted till the next date.</p> <p>Original Application stands adjourned for reply and hearing to 03.05.2017.</p> <p>Issue notice returnable on 03.05.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p style="text-align: right;">P.T.O.</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

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Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 03.05.2017. Learned P.O. do waive service.

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DATE: 21/4/17

COSAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. Madhavi Ayyappa

Advocate for the Applicant

Shri/Smt. N. K. Rajpurohit

C.P.O./P.O. for the Respondents

Adj. To: S.O. to 3/5/17.

Handclast

[Signature]

(vsm)

[Signature]

21.4.17

(R.B. Malik)

Member (J)

21.04.2017

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.335 of 2017

Miss S. R. Toraskar

... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri K.R. Jagdale holding for Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Issue notice returnable on 09.06.2017.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.

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S.O. to 09.06.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)
Member (J)
21.04.2017

(vsm)

DATE: 21/4/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~
(Vice Chairman)

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. A.J. Chougule

Advocate for the Respondents

Adj. To S.O. to 9/6/17