

O.A. 44/2017 (SB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id .counsel for the applicant, **S.O. two weeks**.

**Vice Chairman (J)**

dnk.

O.A. 919/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

**C.A.557/2017 in O.A.919/2017**

Shri S.S. Deshpande, Id .counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4. Await service of R-5.

2. The learned counsel for the applicants submits that except respondent no.5, all the other respondents all served and he will file acknowledgements in this regard. He requested that fresh notice may be issued to respondent no.5. The learned P.O. seeks time to file reply on behalf of R-1 to 3.

3. At the request of learned counsel for the applicants, issue fresh notice to R-5, returnable in **four weeks**. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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 one week. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. four weeks** along with other connected matter.

**Vice Chairman (J)**

dnk.

O.A. 921/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

**C.A.558/2017 in O.A. 921/2017**

Shri S.S. Deshpande, Id .counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4. Await service of R-5.

2. The learned counsel for the applicants submits that except respondent no.5, all the other respondents all served and he will file acknowledgements in this regard. He requested that fresh notice may be issued to respondent no.5. The learned P.O. seeks time to file reply on behalf of R-1 to 3.

3. At the request of learned counsel for the applicants, issue fresh notice to R-5, returnable in **four weeks**. Hamdast allowed.

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

5. 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. 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.

7. 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 one week. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. four weeks** along with other connected matter.

**Vice Chairman (J)**

dnk.

O.A. 285/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

**C.A.405/17 in C.A. 580/17**

Shri Gaurav Khond, Id. counsel holding for Shri G.N. Khanzode, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri N.S. Badhe, Id. counsel for R-4.

With the consent of learned counsel for parties, the matter be kept for final hearing **on 8/2/2018** along with O.A. O.A.737/2013.

**Vice Chairman (J)**

dnk.

O.A. 595/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Shri S.M. Pande, Id. counsel holding for Shri B.M. Kharkate, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. None for R-3&4. Await service of R-2.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit of R-2.

**Vice Chairman (J)**

dnk.

O.A. 852/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

None for the applicant. Shri H.K. Pande, Id. counsel for R-1. Await service of R-2.

The learned P.O. seeks time to file reply of R-1.

The applicant to file service affidavit of R-2.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.



O.A. 869/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for R-1.  
Await service of R-2 to 5.

The applicant to file service  
affidavit of R-2 to 5.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 581/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondent nos. 1 to 3. None for R-4.

At the request of Id. P.O., **S.O. one week** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 607/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Shri S.M. Khan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id .P.O., **S.O. two weeks** for filing reply by way of last chance.

**Vice Chairman (J)**

dnk.

O.A. 695/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri V.A. Kulkarni Id. P.O. for the respondent nos. 1 to 3. None for R-4&5.

2. Since the pleadings are complete, with the consent of Id. counsel for parties, the matter is admitted and kept for final hearing.

3. The learned P.O. waives notice for R-1 to 3.

4. In the meantime, the applicant is at liberty to file rejoinder, if any.

**S.O. 12/02/2018.**

**Vice Chairman (J)**

dnk.

O.A. 800/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for  
R-1&2. None for R-3.

At the request of Id. P.O., **S.O.**  
**three weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 253/2016 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondent nos. 1 to 3. None for R-4&5.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 342/2009 with C.A.100/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Shri N.R. Saboo, Id. counsel holding for Shri M.V. Mohokar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. There is a leave note from Shri R.P. Pudke, Id. counsel for R-3&4.

At the request of Id. counsel for the applicant, **S.O. 17/01/2018**.

**Vice Chairman (J)**

dnk.

O.A. 755/2017 (DB)

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 16.1.2018**

Shri S.M. Puranik, Id. counsel for  
the applicants and Shri A.M. Ghogre, Id.  
P.O. for the respondents.

**S.O. 9/2/2018.**

Till then I.R. to continue.

**Vice Chairman (J)**

dnk.



**O.A. No. 88/2015. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**M.C.A. No.39/2017.**

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

Closed for orders.

Vice-  
Chairman(J)

pdg

**O.A. No. 57/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**C.A. No.357/2017.**

Heard Shri R.A. Haque, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No.2.

Await service to R.1.

The learned counsel for the applicant submits that notices have been issued and hamdast is collected only acknowledgement is to be placed on record.

S.O. **two weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 924/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**C.A. No.559/2017.**

None for the applicants. Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Notices to R. 2 and 3 are awaited.

S.O. **two weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 966/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**C.A. No.574/2017.**

Heard Shri R.V. Shiralkar, the learned counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondent No.1.

2. The learned counsel for the applicants submits that he wants to replace Annexures A-1 and A-5, since he has wrongly filed the said documents instead of filing a Chart. He is permitted to make necessary replacement. The respondent No.2 is not served. The Ld. P.O. seeks time to file service affidavit in respect of R.2.

3. All the applicants are claiming declaration that they are entitled to

special allowances for working in naxalite affected and tribal area w.e.f. 1.1.2010 to 31.12.2011, as per G.R. dated 11.1.2010. They are also claiming arrears of said allowances for the period from 1.1.2010 to 31.12.2011 as has been given to other employees. The relief claimed by the applicants is one and the same and cause of action is Govt. G.R. The Ld. P.O. submits that the application is not within limitation. This point can be raised by filing reply affidavit or by way of preliminary objection, as may be deemed fit by the respondents. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants' paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

Await service to R.2.

S.O. **three weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 61/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

None for the applicant. Shri  
S.A. Sainis, the Ld. P.O. for the  
respondents.



On the last occasion also, nobody had appeared for the applicant and the hamdast is not collected for newly added respondents. However, considering the fact that the application is filed for grant of appointment on compassionate ground, one more chance is granted.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 707/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

None for the applicant. Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Pursis was filed on 12.12.2017 for withdrawal of the O.A. None appeared for the applicant on 2.1.2018 as well as today also. It seems that the applicant is not interested in prosecuting the O.A. Hence, the O.A. stands dismissed in default.

Vice-Chairman(J)

pdg

**O.A. No. 934/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri S.N. Gaikwad, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent Nos. 1,3 and 4.

Await service to R.2.

The Ld. P.O. seeks time to file reply affidavit on behalf of R. 3 and 4.

S.O. two weeks.

Vice-  
Chairman(J)

pdg

**O.A. No. 967/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri J.C. Shukla, the learned counsel for the applicant and Shri the Ld. P.O. for the respondent No. 1.

Await service to R.2 to 5.

The learned counsel for the applicant submits that all the respondents are served and he will file acknowledgements to that effect.

S.O. **four weeks** for filing reply.

Vice-  
Chairman(J)

pdg

**O.A. No. 18/2018. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondent No.1.

The applicant has challenged the order of suspension dated 17.10.2017 and he is also claiming suspension allowance, since his application for revocation has been rejected. The Ld. P.O. is directed to take instructions as to why suspension allowance is not paid and if so within how many days it would be paid.

S.O. 19.1.2018.

Vice-  
Chairman(J)

pdg

O.A. No. 27/2018. (S.B.)

Coram: J.D.Kulkarni, Vice-  
Chairman(J)

Dated : 16<sup>th</sup> January 2018.

Heard Shri G.G. Bade, the  
learned counsel for the applicant



and Shri A.M. Ghogre, the Ld. P.O.  
for the respondent No. 1.

S.O. **18.1.2018** for removing  
office objection.

Vice-  
Chairman(J)

pdg

**O.A. No. 612/2016. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. **two weeks** for filing rejoinder by the applicant.

Vice-Chairman(J)

pdg

**O.A. No. 829/2011. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**Rev. A. No.16/2017.**

None for the applicants. Shri  
S.A. Sainis, the Ld. P.O. for the  
respondents.

**S.O. four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 98/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. **three weeks** as a last chance for filing reply by the Ld. P.O.

Vice-  
Chairman(J)

pdg

**O.A. Nos. 441 & 442 of 2017.  
(S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri G.G. Bade, the learned counsel for the applicants and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. **two weeks** for filing  
reply by Ld. P.O.

Vice-  
Chairman(J)

pdg



**O.A. No. 502/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents.

S.O. **two weeks** for filing reply by Ld. P.O.

Vice-  
Chairman(J)

pdg

**O.A. No. 542/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Shri Bharat Kulkarni, the learned counsel for the applicants and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R. 1 to 3, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The learned counsel for the applicant seeks time to file rejoinder.

**S.O. two weeks.**

Vice-Chairman(J)

pdg

**O.A. No. 802/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Shri P.S. Shambharkar, Adv. holding for Shri A.K. Waghmare, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of the learned  
counsel for the applicant, S.O. **one**  
**week** for filing rejoinder.

Vice-  
Chairman(J)

pdg

**O.A. Nos. 824,825,826,827,818 of 2017.  
(S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1 and 2. None for R.3.

2. In all these applications, the applicants are Livestock Development Officers. It is stated that all of them have already completed their tenure in the naxalite affected area / rural area as per the G.R. dated 6.8.2002 and, therefore, as per the said G.R., they are entitled to claim choice posting. They have also claimed choice posting by filing representations. But their request was not considered. The applicants, therefore, claim that their respective representations for choice posting be considered as per G.R. dated 6.8.2002. The Ld. P.O. submits that the applicants respective representations can be considered in the ensuing annual general transfers of 2018. The learned counsel for the applicants submits that some of the posts which are claimed by the applicants were vacant at the time of filing of these applications. He does not know the recent position. Considering the

fact that the annual general transfers of 2018 will be effected in the month of April/May 2018. it will be in the interest of justice to direct the respondents to consider the representations filed by the respective applicants at the time of general transfer orders to be issued in April/May 2018. In view thereof, O.As stand disposed of with direction to respondent Nos. 1 and 2 to consider the representations filed by the respective applicants for their choice posting as per G.R. dated 6.8.2002 considering the individual cases.

3. The applicants will be at liberty to file fresh representations, if any considering the availability of the posts subsequent to filing of applications. Such representations, if any shall be filed within four weeks and the same may be considered by respondent Nos. 2 & 3.

Vice-  
Chairman(J)

pdg

**O.A. No. 923/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**



Heard Mrs. V. Chimurkar, the learned counsel for the applicant and Shri the Ld. P.O. for the respondent Nos. 1,2 and 5. Shri Ramesh Gedam, Multipurpose Worker is present on behalf of R. 3 and 4.

The Ld. P.O. seeks time to file reply on behalf of R. 1,2 and 5.

Shri Ramesh Gedam, Multipurpose Worker has filed reply on behalf of R. 3 and 4. , the same is taken on record and copies thereof are supplied to other sides.

S.O. **three weeks.**

Vice-  
Chairman(J)

**O.A. No. 24/2018. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Dr. (Mrs.) R.S. Sirpurkar, the  
learned counsel for the applicant and Shri

A.M. Khadatkar, the Ld. P.O. for the respondent No.1.

2. The applicant has retired as Talathi of village Diwthana on 31.7.2017. Till today, his pensionary benefits have not been granted and even the provisional pension is not is not granted to him. On the contrary, the applicant has received a show cause notice on 23.11.2017 whereby he has been asked to explain as to why proceedings under rule 27 of the M.C.S. (Pension) Rules, 1982 shall not be initiated against him. The applicant has claimed stay to the said proceedings and also pension and pensionary benefits including provisional pension.

3. The learned counsel for the applicant submits that the applicant has been charged with misconduct which pertains to the period during which he has done in the year 2010 i.e. seven years prior to his retirement. As per Rule 27 of the M.C.S. (Pension) Rules, 1982, the departmental action can be initiated against an employee even after his retirement provided the alleged misconduct pertains to the period of four years prior to his retirement. *Prima facie*, the alleged misconduct is of the year 2010 and the applicant has retired in 2017 and, therefore, in the interest of justice respondent No.3 i.e. Tehsildar, Khamgaon is directed not to initiate any further action against the applicant in response to the said

show cause notice dated 23.11.2017 till further orders.

4. In the meantime, issue notice to the respondent Nos. 2 and 3 returnable after **three weeks.**

5. Shri A.M. Khadatkar, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

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

7. 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.

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

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

Vice-  
Chairman(J)

pdg

**O.A. No. 610/2016. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Closed for orders.

Vice-  
Chairman(J)

pdg

**O.A. No. 44/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri the Ld. P.O. for the respondents.

S.O. weeks.

Vice-Chairman(J)



**O.A. No. 293/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

None for the applicant. Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 to 3. Miss Archana Lanjewar, Adv. for R.4.

On the last date i.e. on 1.1.2018 also, nobody had appeared for the applicant.

Matter be kept after **four weeks** for passing necessary order.

Vice-  
Chairman(J)

pdg

**O.A. No. 256/2017. (S.B.)**

**Coram: J.D.Kulkarni, Vice-Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**C.A. 237/2017.**

Heard Shri V.B. Dhage, the learned counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The learned counsel for the applicants seeks permission to file an application for amendment of the O.A. and submits that he will file application within one week.

**S.O. 22.2.2018.**

Vice-Chairman(J)

pdg

**O.A. No. 766/2014. (D.B.)  
(Dilip Fulekar V/s State and 3  
others.)**

**Coram: J.D.Kulkarni, Vice-  
Chairman(J)**

**Dated : 16<sup>th</sup> January 2018.**

**Oral order**

Heard Shri A.P. Sadavarte,  
the learned counsel for the  
applicant and Shri M.I. Khan, the  
Ld. P.O. for the respondent Nos. 1  
to 3. None for R.4.

2. The applicant is a retired Executive Engineer. He got retired on 31.5.2014. But till today, his pension case has not been finalized and the retiral benefits have also not been granted to him. The applicant, therefore, prayed the following reliefs:-

“(i) The Hon’ble Tribunal be pleased to direct the respondents to drop the enquiry proceedings and

(ii) To issue directions to the State competent authority to finalize the pension case and to pay pension, gratuity, leave encashment and all other terminal benefits according to rules with 15% interest on outstanding dues.”

3. Reply affidavit has already been filed in this O.A. In the affidavit in reply filed on behalf of respondent No.3 i.e.Dy. Chief Executive Officer, (EGS), presently in the office of Divisional

Commissioner, Amravati on 16.1.2018, it has been stated that the scope of charges against the applicant is vast and the evidence of five witnesses is to be recorded. It is stated that the applicant did not cooperate with the Enquiry Officer and, therefore, the enquiry could not be completed.

4. The applicant is present before this Tribunal. The learned counsel for the applicant submits that the applicant will co-operate in the departmental enquiry if a fixed date is given and the enquiry be contemplated within specified period. The Ld. P.O., on instructions submits that the next date in the departmental enquiry is fixed on 2.2.2018. The applicant admits that he will remain present on the said date before the Enquiry Officer for further proceedings. Considering the fact that the applicant has already retired long back prior to about four years, the

Enquiry Officer is directed to complete the enquiry in all respects as early as possible and in any case within a period of four months from 2.2.2018. If it is necessary, he may proceed with the enquiry on day to day basis so as to complete it within stipulated period. The applicant is also directed to remain present and cooperate with the Enquiry Officer in this regard.

5. The learned counsel for the applicant submits that the respondents be directed to finalize the pension case of the applicant and pay the amount of pension, gratuity, leave encashment and other terminal benefits. In this regard, it has been stated in para 3 of the reply of respondent No.2 that the amount of GPF, leave encashment and GIS has already been paid to the applicant, so also interest on GPF is paid and the details are given in the said para. It

seems that only the amount of gratuity is not paid. As per Rule 130 (1) (c) of the M.C.S. (Pension) Rules, 1982, no gratuity shall be paid to the Govt. servant unless and until conclusion on departmental or judicial proceedings is drawn and the issue of final orders thereof. Therefore, the respondents are justified in withholding the gratuity amount of the applicant. Therefore, no directions can be given at this juncture to the respondents as regards relief of amount of gratuity.

6. In view of observations in foregoing paras, O.A. stands disposed of. The respondents are directed to complete the enquiry **within four months** from 2.2.2018, i.e. the date on which the applicant shall appear before the Enquiry Officer.

7. No order as to costs.



Vice-  
Chairman(J)

Pdg