

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6783 OF 2018
THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
RAMKRISHNA RAYBHAN AWTARE

AND

WRIT PETITION NO. 6784 OF 2018
THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
ASHOK CHARANDAS NIMSARKAR

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. M. Ukey, Addl. G. P. for petitioners.
Shri A. S. Chakotkar, Advocate for respondent.

CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.
DATE : 20/12/2021

1. Writ Petition No.6784 of 2018 is not on Board. It is taken on Board in view of the fact that in Writ Petition No.6783/2018, challenge has been raised in common judgment of the Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur dated 15/06/2017.

2. The respondent in Writ Petition No.6783/2018 was serving as Awal Karkoon while the respondent in Writ Petition No.6784/2018 was serving as Naib Tahsildar. They were placed under suspension by order dated 07/10/2013. Since this order of suspension was continued and the respondents were permitted to retire from service, they approached Maharashtra

Administrative Tribunal, Nagpur with the grievance that their pensionary and other retiral benefits were not released. The Tribunal by considering the fact that after the respondents were placed under suspension, no enquiry was held proceeded to direct release of pensionary benefits with a liberty to the State Government to initiate action under Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 (for short, "the Rules of 1982") if it was otherwise permissible. This order has been challenged by the State in these writ petitions.

3. Shri Amol Chakotkar, learned counsel for the respondents submits that after the aforesaid order was passed by the Maharashtra Administrative Tribunal, the State has taken action under Rule 27 of the Rules of 1982 and has directed deduction of 8% amount from the retiral benefits of both the respondents. Such deduction is to be made every month.

4. Shri S.M. Ukey, learned Additional Government Pleader for the petitioners submits that the Tribunal was not justified in directing release of retiral benefits in the light of the orders of suspension.

5. Having perused the impugned order passed by Maharashtra Administrative Tribunal, Nagpur, we find though the respondents were placed under suspension, no further steps were taken to conduct any enquiry against them. As a consequence, they retired from service and therefore, the learned Member of the Tribunal was justified in granting liberty

to the State Government to proceed under Rule 27 of the Rules of 1982. In fact, such action has already been taken against the respondents.

6. In the aforesaid backdrop, we do not find any illegality in the order passed by the Maharashtra Administrative Tribunal, Nagpur.

7. Both the writ petitions are therefore, dismissed. No costs.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)

Choulwar

VITHAL
MAROTRAO
CHOULWAR

Digitally signed by
VITHAL MAROTRAO
CHOULWAR
Date: 2021.12.23
11:11:18 +0530