



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 6750 OF 2025

(Shri Sukhdeo s/o Sahadeo Shendre Vs. The State of Maharashtra and ors)

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

Court's or Judge's orders

Mr. D.A. Sonawane, Advocate for petitioner.
Mr. N.S. Rao, AGP for respondent Nos. 1 to 5/State.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

DATED : 14-11-2025.

Heard.

2. By way of this petition, challenge is raised to order dated 6.11.2023, passed by Maharashtra Administrative Tribunal, Nagpur, in Original Application No. 491/2022, wherein prayers made by the petitioner were as follows:

- i) Quash and set aside letter-cum-order dated 11.02.2020 issued by the respondent department by virtue of which arrears of house rent to the tune of Rs. 2,16,000/- + Rs. 1,25,120/- = 3,41,120/- is to be recovered from the applicant.
- ii) Stay to the effect, operation and implementation of the letter cum order dated 11.2.2000 issued by the respondent department by virtue of which arrears of house rent to the tune of Rs. 2,16,000+ Rs. 1,25,120/- = 3,41,120/- is to be recovered from the applicant, during the pendency of the present Original Application.
- iii) Direct the respondents authority to pay 18% interest on pensionary benefit from 31.3.2015 upto till date and also on outstanding arrears of pension and also grant 18% interest on other pensionary benefits which has

not been released till date including Aaswsit Pragati
Yogana (Assured Career Progressive Scheme)

From the above referred prayer clauses, it is evident that petitioner is raising challenge to the letter-cum-order dated 11.2.2020, whereby recovery of house rent was initiated. The petitioner is not disputing that he has overstayed in the Government residence, for three years. After his retirement on 31.3.2015, possession of the Government residence was given on 11.4.2018. Thus, according to petitioner, recovery initiated for the period during which the petitioner overstayed is contrary to the rules.

3. The learned Tribunal dismissed the Original Application vide impugned order dated 6.11.2023.

4. Having gone through the record and in light of the fact that the petitioner is not disputing that he overstayed for three years in the Government Quarter and did not vacate the same in stipulated period, after his retirement, we do not find any error in initiation of recovery of house rent, as per the norms and rules of the State Government.

5. As regards prayer made for direction to respondent authority to pay 18% interest on pensionary benefits from 31.3.2015 till date, it was not considered by the learned Tribunal on the ground that in the 1st Original Application filed by the petitioner, the relief sought was in relation to payment of pension. In the earlier Original Application, already direction was issued to release pension and to pay the medical reimbursement.

6. If it is the case of the petitioner that said order was not complied with. For this grievance, the petitioner is having a separate remedy. Therefore, prayer clause (iii) in the Original Application

cannot be considered. Accordingly, since no merit is found in the prayer clauses as regards challenge to the recovery of house rent, petition is dismissed with liberty to the petitioner to file appropriate proceeding before the competent authority, as regards interest on pension amount.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)