

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 177 OF 2018

(Subject – Interest on Delayed Payment)

DISTRICT : LATUR

Gangadhar S/o Mudgalrao Kulkarni,)
Age : 60 years, Occu. : Pensioner,)
R/o. Gokul Niwas, Samarth Nagar, Near Vijay)
Colony, Old Ausa Road, Latur, Tq. & Dist. Latur.)

.... APPLICANT

V E R S U S

1. **The State of Maharashtra,**)
Through Secretary, Skill Development)
and Vocational Education & Training)
Department, Mantralaya, Mumbai-32.)
2. **The Director (Training),**)
Directorate of Vocation Education and)
Training 3, Mahapalika Marg, Dhobi)
Talav, Appa Balwant Chowk, V.T. Mumbai.)
3. **The Joint Director,**)
Divisional Office of Vocation Education)
& Training, Bhadkal GaTe, Aurangabad.)

.. RESPONDENTS

APPEARANCE : Shri R.K. Ashtekar, Advocate for the Applicant.

: Shri V.R. Bhumkar, Presenting Officer for
Respondents.

CORAM : **SHRI V.D. DONGRE, MEMBER (J).**

DATE : **21.06.2022.**

ORDER

1. By invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, the present Original Application is filed seeking interest on the delayed payment of pension and pensionary benefits as per the Rules 129A and 129B of the Maharashtra Civil Services (Pension) Rules, 1982.

2. The facts in brief giving rise to this Application are as follows :-

(i) The applicant was working as Principal at Industrial Training Institute, Bhoom, Dist. Osmanabad. He retired on superannuation on 31.05.2016. Before his retirement, the pension papers were processed. During that process, the respondent No. 3 i.e. the Joint Director, Divisional Office of Vocational Education and Training, Aurangabad issued letter dated 21.03.2016 (part of Annexure -A collectively) certified that no Departmental Enquiry was pending or contemplated against the applicant before his retirement. The office of Accountant General (A&E)-II, Nagpur issued Pension Payment Order (PPO) dated 15.06.2016 (wrongly stated as 15.01.2016). The applicant, however, did not receive the pension and pensionary benefits in stipulated

time. The applicant received the pensionary benefits as follows :-

- (i) Arrears of pension of Rs. 4,49,467/- was received on 11.07.2017.
- (ii) 40% commutation of Pension amounting to Rs. 7,18,634/- was received on 20.06.2017 and
- (iii) Amount of Gratuity of Rs. 5,90,205/- was received on 21.11.2017.

The statements of bank account in that regard are produced at Annexure –B collectively.

(ii) In view of above, it is the contention of the applicant that the applicant received the pension and pensionary benefits beyond the stipulated period. Therefore, the applicant is entitled for interest on the said delayed payment under Rules 129A and 129B of the Maharashtra Civil Services (Pension) Rules, 1982. The applicant gave legal notice through his Advocate dated 01.02.2018 (Annexure-C) to the respondents seeking interest on delayed payment of pension and pensionary benefits. However, the respondents did not comply with the said notice. The applicant was not responsible for delayed payment and in fact, the payment was delayed due to

administrative lapses. Hence, the present Original Application.

3. The affidavit in reply on behalf of respondent Nos. 2 and 3 is filed by one Smt. Maya Abhay Indurkar, working as In-charge Inspector, in the office of Joint Director of Vocational Education and Training, Regional Office, Aurangabad, thereby she denied all the adverse contentions raised in the Original Application. It is specifically stated that at the time of retirement, the applicant was holding the charge of two institutions viz. I.T.I. Bhoom and I.T.I. Kallam. The inspection reports in respect of the said institutions were filed by the applicant belatedly only after his retirement i.e. on 24.03.2017 and 10.04.2017 respectively. Only after receipt of the said inspection reports, the respondent No. 2 issued the No Enquiry and No Dues certificate to the applicant on 25.05.2017. In these circumstances, the delay was caused for payment of pension and pensionary benefits due to failure on the part of the applicant to submit the requisite inspection reports before his retirement. Moreover, as per the order of the A.G. Nagpur, amount of excess payment of Rs. 1686/- was ordered to be recovered from the applicant at the departmental level. The applicant deposited the said amount in the Treasury Office at Bhoom only on 23.06.2017. In view of the same, the delay is

attributable to the applicant being not complied with the requisite procedure in time. The payment of pension and pensionary benefits is not delayed on account of any administrative lapses. Hence, there is no merit in the present Original Application and the same is liable to be dismissed.

4. The applicant filed rejoinder affidavit and denied the adverse contentions raised in the affidavit in reply filed on behalf the respondent Nos. 2 and 3.

5. I have heard the arguments at length by Shri R.K. Ashtekar, learned Advocate for the applicant on one hand and Shri V.R. Bhumkar, learned Presenting Officer for the respondents on the other hand.

6. The relief of interest on the delayed payment is to be considered within the parameters laid down in the Rules 129A and 129B of the Maharashtra Civil Services (Pension) Rules, 1982. Rule 129A of the said Rules deals with the interest on delayed payment of gratuity. It provides the interest at the rate applicable to General Provident Fund on the delayed payment of gratuity beyond the period of three months from the date of retirement or death.

7. Rule 129B of the said Rules deals with the interest on delayed payment of pension. It provides rate of interest applicable to the General Provident Fund, in case the payment of pension or family pension paid after six months from the date when it's payment became due.

8. There is no specific provision dealing with the interest on delayed payment of commutation of pension. However, considering the provisions of Rule 129B of the said Rules dealing with pension, there is no difficulty in considering the payment of interest on delayed payment on commutation of pension on the same footing.

9. From the facts and documents produced on record by the applicant, it is evident that the pension papers were processed before retirement of the applicant to the A.G. (A&E)-II, Nagpur. The A.G. (A&E)-II, Nagpur, who sanctioned the pension to the applicant by PPO dated 15.06.2016 (part of Annexure A collectively). However, the pension and pensionary benefits were not disbursed to the applicant in stipulated time. It is the contentions of the respondents that due to failure on the part of applicant to comply with the procedure laid down viz. failure of the applicant to submit the inspection reports in respect of I.T.I. Bhoom and I.T.I. Kallam, of which the applicant was holding

charge of the said institutions. The said contention is denied by the applicant. The respondents have not submitted any documentary evidence to substantiate the said contentions. In view of the same, the said contentions would not be relied upon.

10. The respondent also came out with the contention that No Dues and No Enquiry certificates were issued by the respondents only on 25.07.2017 after the applicant submitted inspection reports in respect of I.T.I. Bhoom and I.T.I. Kallam respectively on 24.03.2017 and 10.04.2017. However, again no documentary evidence is produced by the respondents to substantiate the said contention. On the contrary, the applicant has produced on record a copy of letter dated 21.03.20196 (part of Annexure-A collectively) issued by the respondent No. 3 stating that no Departmental Enquiry was pending or contemplated against the applicant at the time of his retirement. In these circumstances, I find defence as raised by the applicant that there are no any administrative lapses for not disbursing the pension and pensionary benefit in time and it cannot be said that the delayed payment is to be attributable to the administrative lapses committed by the respondents only is devoid of merits. In view of the same, in my considered opinion, the applicant shall be entitled for interest on the delayed payment of arrears of pension

amount and the amount of gratuity in accordance with the provision of Rules 129B and 129A of the Maharashtra Civil Services (Pension) Rules, 1982 respectively and also on the amount of 40% commutation of pension in terms of Rule 129B of the Maharashtra Civil Services (Pension) Rules, 1982. I therefore, proceed to pass following order :-

ORDER

The Original Application No. 177/2018 is allowed in following terms:-

- (A) The respondents do pay the interest on the amount of gratuity of Rs. 5,90,205/- in accordance with Rule 129A of the Maharashtra Civil Services (Pension) Rules, 1982 and on the amount of arrears of pension of Rs. 4,49,467/- and on the amount of 40% commutation of pension of Rs. 7,18,634/- as per the Rule 129B of the Maharashtra Civil Services (Pension) Rules, 1982 within a period of three months from the date of this order.
- (B) There shall be no order as to costs.

PLACE : AURANGABAD.
DATE : 21.06.2022.

(V.D. DONGRE)
MEMBER (J)