

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT NAGPUR**

ORIGINAL APPLICATION NO. 701 OF 2015

DISTRICT : NAGPUR

Shri. Manik Bajirao Khobragade,

Age : 65, Occ : Retired Agriculture Officer,

r/o Asit Shambharker, Plot No. 18,

Asmita Nagar, Maskey Layout, Narendra Nagar,

Nagpur- 440 015.

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APPLICANT

VERSUS

- 1) **The State of Maharashtra,**
Through its Secretary,
Agricultural Department, Mantralaya,
Mumbai.
- 2) **The Commissioner of Agriculture,**
Maharashtra State, Pune – 5.
- 3) **Joint Director,**
Divisional Agricultural Officer,
Latur Division, Latur.
- 4) **District Superintendent,**
Agriculture Office,
Nava Mondha, Nanded, Dist. Nanded.
- 5) **Agriculture Officer,**
Hadgaon, Dist. Nanded.

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RESPONDENTS

Shri R.S. Thengne, Advocate for the applicant.

Shri A.M. Khadatkar, Presenting Officer for the respondents.

CORAM : Hon'ble Shri A.D. Karanjkar, Member (J).

Date of Reserving for Judgment : 18th October, 2019.

Date of Pronouncement of Judgment : 18th December, 2019.

J U D G M E N T

(Delivered on this 18th day of December, 2019)

1. Heard Shri R.S. Thengne, learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. It is grievance of the applicant that when he was posted at Hadgaon, Dist. Nanded, he had submitted his travelling bills, but these bills are not granted by the office and therefore, various representations were made by him on 05.03.2002, 16.05.2002, 17.12.2002, etc. Lastly representation was made by the applicant on 19.05.2006, but the same was not considered. It is submitted by the applicant that he approached the higher authorities and direction was issued to respondent No.5 to prepare and submit the bills to the treasury but it was not done.

3. Learned Presenting Officer for the respondents in the present O.A. produced letter dated 24.07.2019 written by the Assistant Administrative officer, office of the District Superintendent Agriculture Officer, Nanded. The direction was given to the Taluka Agriculture Officer, Hadgaon to submit the bills of the applicant to the Treasury. It seems that this direction was not followed by the Taluka Agriculture Officer, Hadgaon, who is respondent No. 5.

4. After going through the affidavit in reply submitted by the respondent No. 5, it seems that the main contention is that the claim of the applicant is barred by limitation. In this regard, I would like to point out that being the model employer the defence of limitation should not lie in the mouth of respondents. It seems that time to time various representations were made by the applicant to sanction the travelling bills, but no heed was paid by the respondents. As a matter of fact, much patient was shown by the applicant in the matter in sanctioning the travelling bills by the department, but ultimately, as it was realised by the applicant that the department was not paying any heed, consequently, the present O.A. is filed.

5. Here it is necessary to consider the conduct of the respondent No. 5 that in spite of direction received from the superior instead of complying that order, the respondent No. 5 raised ground that the claim of the applicant was barred by limitation. In my view, when superiors of the applicant had decided and issued directions to the respondent No. 5 to prepare bill and present to the treasury, it was none of his business to raise objection that the claim of the applicant was barred by limitation. The respondent Nos. 1 to 4 have also objected the original application merely on the ground of

limitation. It is not contention of any respondent that the travelling bills submitted by the applicant were false.

6. In this situation, I accept that the case is made out by the applicant for issuing directions to pay the travelling allowances to the applicant for his tour as mentioned in Annexure A-4 (dated 22.03.2006). The learned P.O. has filed extract of the pass book of the applicant and informed that amount Rs. 26,430/ is deposited in the account of the applicant on 1-10-2019 by the respondent No.5. It seems that the applicant is fighting for his claim since 2015, no justification is shown by the respondents why bills were not sanctioned in reasonable time after receiving the representations. In view of this I accept that the applicant is entitled for the interest for the delayed payment. In consequence the respondents are directed to pay the interest @ 6% p.a. from the date of presentation of the Original Application till realisation of amount. This order be complied by the respondents within three months. There shall be no order as to costs.

(Anand Karanjkar)
Member(J).

Dated :- 18/12/2019.

KPB.

I affirm that the contents of the order in PDF format are word to word same as per the original judgment.

Name of Stenographer (H.G.) : K.P. Borude
Court Name : Hon'ble Vice Chairman
AND
Hon'ble Member (J)

Judgment signed and : 18-12-2019.
pronounced on

Uploaded on : 19-12-2019.