

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

**ORIGINAL APPLICATION NO. 705 OF 2021**

**DISTRICT : HINGOLI**

**Balwant s/o Sakharam Mukhade,** )  
Age : 59 years, Occu. : Pensioner (Retired as )  
Asst. Superintendent) )  
R/o : Ganganagar (Karwadi), At. Hingoli, )  
Tq. and Dist. Hingoli. ) .... **APPLICANT**

**V E R S U S**

1. **The Commissioner of Agriculture,** )  
Commissionerate of Agriculture (M.S.) )  
Pune, Central Building, 3<sup>rd</sup> Floor, )  
Pune-411001. )
2. **The Divisional Joint Director,** )  
Of Agriculture Latur, Behind Old Collector )  
Office, Shivaji Chowk Latur, Tq. & Dist. Latur.)
3. **Taluka Agriculture Officer,** )  
Sengaon, Tq. Sengaon, Dist. Hingoli. )... **RESPONDENTS**

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**APPEARANCE** : Shri D.T. Devane, Counsel for Applicant.

: Smt. Sanjivani K. Deshmukh-Ghate,  
Presenting Officer for respondent authorities.

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **11.01.2024**

**O R A L - O R D E R**

1. Heard Shri D.T. Devane, learned counsel appearing for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of parties at the admission stage.

3. By filing the present Original Application, the applicant is seeking direction to make payment of medical bill amounting to Rs. 16,547/- sanctioned by respondent No. 1 vide order dated 09.07.2018 along with interest on the sanctioned amount till the actual realization of payment.

4. Before going to the facts in brief, learned counsel for the applicant has brought to the notice of this Tribunal that during pendency of the present Original Application and as soon as notices have been issued to the respondents, they have issued the cheque dated 19.01.2022 to the applicant for the said medical reimbursement bill amounting to Rs. 16,547/-. Learned counsel submits that in view of the same, the only issue is required to be considered as to whether the respondents can be directed to pay the interest to the applicant on the sanctioned amount from the date of sanction, till the actual payment of medical reimbursement bill.

5. Facts in brief giving rise to the Original Application are as follows :-

(i) The applicant was initially appointed and joined in the Agriculture Department on the post of Peon in the office of Sub-Divisional Officer, Soil Conservation at Kalamnuri, Dist. Hingoli. Thereafter he was promoted to the post of Clerk and therefore Senior Clerk and finally promoted as Asst. Superintendent. He came to be retired on superannuation on 31.01.2020.

(ii) It further appears from the contention of the applicant that while the applicant was working on the post of Asst. Superintendent in Taluka Agriculture Officer, Sengaon, the respondent No. 1 has sanctioned the medical reimbursement bill on 09.07.2018 in respect of illness of his wife amounting to Rs. 16,547/-. The said amount was not paid to the applicant till filing of the present Original Application. Copy of the said order dated 09.07.2018 is marked as Annexure A-1.

(iii) It is further case of the applicant that the applicant has thereafter submitted representations time to time for payment of said medical reimbursement bill as per the sanctioned order and finally the applicant retired on 31.01.2020 on superannuation.

(iv) As discussed in the foregoing paragraph, during pendency of the present Original Application, the applicant received the said medical reimbursement amount through cheque on 19.01.2022.

6. Learned counsel for the applicant submits that despite the sanction order dated 09.07.2018 of reimbursement bill for amount to Rs. 16,547/- to be paid on account of illness of his wife, the said amount was not paid to the applicant till filing of the present Original Application. There is no justifiable reason to withhold the payment of reimbursement bill. Learned counsel submits that the applicant is thus entitled for the interest @ 12% p.a. on the delayed payment from the date of sanction i.e. 09.07.2018 till actual payment of such amount on 19.01.2022.

7. Learned counsel for the applicant in order to substantiate his contention placed reliance on a case of **Mrs. Madhuri Praful Patil Vs. The State of Maharashtra and Anr. in W.P. No. 7305/2013**, wherein the Division Bench of the Hon'ble High Court of Bombay in the identical circumstances granted interest to the petitioner therein @ 9% p.a. from the date of the impugned communication within four weeks along with cost of Rs. 25,000/- to the petitioner therein.

8. Learned counsel for the applicant has further placed reliance on the G.R. dated 22.11.1994, wherein it is stated that if any amount of salary, Dearness Allowances, Advance Salary, allowances etc. have been paid to the employee belatedly, then such employee is entitled for the interest in addition to the departmental action against the employee, who is responsible for the belated period.

9. The respondent Nos. 1 to 3 have filed their affidavit in reply. Learned Presenting Officer submits that there is no substance in the Original Application, since as per the sanctioned order the amount towards the medical reimbursement bill has been paid to the applicant. In view of the same, the present Original Application is liable to be dismissed. The applicant is not entitled for any interest on the said amount, as there is no intentional or deliberate delay in making payment of medical reimbursement bill.

10. In the instant case, I find no justifiable reason to delay the payment of medical reimbursement to the applicant despite the sanction order dated 09.07.2018. Even after retirement on 31.01.2020 and before that, the applicant has continuously approached the respondent authorities by filing his

representations for payment of said medical reimbursement bill as per the sanction order, however, for no reason that amount appears to have been withheld. It further appears that only after filing of the present Original Application and notice served on the respondents, the cheque dated 19.01.2022 has been issued towards medical reimbursement bill amounting to Rs. 16,547/- to the applicant.

11. It is pertinent to note here that the respondent Nos. 1 to 3 have tried to justify the delay by stating in their affidavit in reply, which is as follows :-

*“5] The respondents alongwith affidavit in reply at Annexure-R-1 annexed the copy of noting dated 15.12.2021 in respect of the action being taken against the said clerk Shri Hannan from whose custody bill is misplaced. As per annexure R-1 respondents sanctioned 18 the duplicate bill on 14.12.2021 and then it is paid to the applicant by cheque on 19.01.2021. It reveals from these noting and sanction of duplicate bill these steps are taken after issuing the notices in this original application by this Hon'ble Tribunal.*

*6] As regards para no. 7 I say and submits that, as such it is not true and denied that, after filing representations by the applicant respondents have taken immediate steps for releasing the reimbursement bill. The first representation of the applicant is of dated 4.10.2018 and bill is paid to the applicant by cheque dated 19.01.2022. The applicant is unnecessary put in the trouble and hardship and compelled to wait for such a long period for receiving his legitimate payment. As such he has no other alternative and situation compelled the applicant to approach this Hon'ble Tribunal for his claim. The applicant as such suffered mentally, physically and economically for getting his claim of medical bill. There is no any delay or fault on the part of applicant and delay in making the payment is caused due to the negligence and lack of duty on the part of the respondents.*

7] *As regards para 8,9,10 in view of the forgoing submissions no need of any reply.”*

12. It appears from the said portion of affidavit in reply filed on behalf of respondent Nos. 1 to 3, it is not denied that the medical reimbursement bill amounting to Rs. 16,547/- was sanctioned by order dated 09.07.2018 by the respondent No. 1. In this regard, it is further stated that the bill sent to the office of respondent No. 2, but the original office copy of the bill was misplaced from the custody of Junior Clerk and therefore, some time has been lapsed for sanction of medical reimbursement bill of the applicant. It is difficult to believe that when the medical reimbursement bill was sanctioned on 09.07.2018, the amount under medical reimbursement bill has been paid to the applicant finally through cheque on 19.01.2022 and the respondents have submitted the evasive reply for the belated payment.

13. In view of above, the following order is passed :-

**ORDER**

(i) The respondents are directed to pay the interest @ 12% p.a. from the date of order of sanction of medical reimbursement bill dated 09.07.2018 till the actual payment on 19.01.2022 within a period of two months from the date of this order.

(ii) The respondents are also liable to pay the cost of Rs. 15,000/- to the applicant for incurring expenses of filing Original Application and other consequential expenses.

(iii) The respondent No. 1 shall initiate the Departmental Enquiry against the erring officer to fix the responsibility for the delay in making the payment of medical reimbursement bill and recover the aforesaid interest amount and cost amount from the erring official, who is responsible for the delay.

(iv) The Original Application is disposed of in the above terms.

**PLACE : Aurangabad.**

**DATE : 11.01.2024**

**(Justice V.K. Jadhav)**

**Member (J)**

**KPB S.B. O.A. No. 705 of 2021 VKJ Medical Reimbursement**