

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 563 OF 2019

DISTRICT : SATARA

Mohd. Husein Hashan Kacchi,)
Occ : Retd Industrial Inspector from the)
District Industries, Ratnagiri,)
R/at: 60, Budhwar Peth, Karad,)
Tal-Karad, Dist-Satara.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Principal Secretary,)
Industries Department,)
Mantralaya, Mumbai 400 032.)
2. The Principal Secretary,)
Rural Development Department,)
Bandhkam Bhavan, Ground floor)
Marzaban Road, Fort,)
Mumbai.)
3. The Director of Industries,)
New Administrative Building,)
Hutatma Rajguru Chowk,)
Madam Cama Road,)
Mumbai 400 032.)
4. The General Manager,)
District Industries Centre,)
Ratnagiri, Jail Road,)
Ratnagiri 415 612)
5. The General Manager,)

District Industries, Satara.)
 6. The Project Director,)
 District Rural Development Agency)
 Ratnagiri.)...**Respondents**

Shri M.B Kadam, learned advocate for the Applicant.

Ms Neelima Gohad, learned Presenting Officer for the Respondents.

CORAM : **Shri P.N Dixit (Vice-Chairman) (A)**

DATE : **02.03.2020**

ORDER

1. Heard Shri M.B Kadam, learned advocate for the Applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. This Original Application is filed for payment of interest on delayed payments of retirement dues.

3. Brief facts:-

The applicant retired on 28.2.2011. The applicant had filed Original Application No. 1015/2018. The same was decided on 8.1.2019, by this Tribunal with following directions:-

“4. O.A is disposed of with direction to Respondents No. 1 to 3 to consider representation dated 21.01.2017 and to decide it in accordance to law within three months from today and decision shall be communicated to the Applicant.”

(Quoted from page 115 of the Paper Book)

4. Accordingly, the Respondents decided the matter on 1.4.2019, which is the impugned order, at Exh. ‘A’, page 18 of the Paper Book. Examination of the impugned order reveals that the applicant was informed on 10.4.2017 regarding delay in deciding his absence during the period 1985 to 1988 on various occasions. The order dated 10.4.2017 states as under:-

“त्यानंतर आपण रजा सादर केले नसल्याने नाईलाजास्तव आपल्या पत्रावरून रजा मंजुरी आदेश काढणेत येऊन सेवापुस्तकातील नोंदी पूर्ण करण्यात आलेले आहेत. व त्यानुसार आपल्या रजा कालावधीचे वेतन, वेतनवाढी, बोनस, सहावा वेतन आयोगानुसार वेतन फरक हप्ते, आश्वासित प्रगती योजना लाभ व सेवा निवृ-तीनंतरचे लाभ त्याचप्रमाणे त्यानुसार वेतन फरक या कार्यालयाकडून आपणास आदा करण्यात आलेले आहेत. आपण अनधिकृतपणे गैरहजर राहून वेळोवेळी रजा अर्ज कार्यालयाकडे सादर केले नसल्याने वेतन व इतर लाभ आदा करण्यास अडचण निर्माण झालेली होती, असे दिसून येते. त्यामुळे आपण मागणी केलेले व्याजाची रक्कम आपणास या कार्यालयाकडून आदा करता येणार नाही, अशी या कार्यालयाची धारणा आहे.”

5. Admittedly, even though the applicant retired on 28.2.2011, the payments have been made in respect of his retirement dues as under:-

- (i) Gratuity – Due on 1.9.2011. However, paid after 2 years, 4 months and 8 days.
- (ii) Leave Encashment - Due on 1.9.2011. Paid after 2 years, 7 months and 28 days.
- (iii) G.I.S - Due on 1.9.2011. Paid after 2 years, 8 months and 29 days.

6. Respondent no. 1 on 15.3.2014 has directed Respondent no. 3 as under:-

“श्री.एम.एच.कच्छी, सेवानिवृ-त विस्तार अधिकारी, (उदयोग) यांचे सेवानिवृ-तीनंतरचे लाभ देणे, भविष्य निर्वाह निधी, गटविमा योजना, निवृ-ती वेतन सेवा उपदान, मृत्यू निवृ-ती सेवा उपदान व विलंब झालेबाबत देय व्याजासहीत रक्कम त्वरीत अदा करण्यात यावी.”

(Quoted from page 129 of the Paper Book)

7. The impugned order is silent why the retirement benefits have not been paid on due date. Even though his service book was updated, prior to his retirement, decision regarding his retirement benefits is not taken in time.

8. Thus, this has resulted in delay in payment of his gratuity, leave encashment, G.I.S and commutation of pension.

9. The Respondents, therefore, deserves to be directed as under:-

- (a) Fix the responsibility for delayed payment of retirement benefits to the applicant such as payment of gratuity, leave encashment, G.I.S and commutation of pension.

(b) After fixing of responsibility within a period of three months, the applicant should be paid interest at the approved rate for the delayed payments within a period of four weeks.

10. Thus, the Original Application is partly allowed. No order as to costs.

Sd/-
(P.N Dixit)
Vice-Chairman (A)

Place : Mumbai
Date : 02.03.2020
Dictation taken by : A.K. Nair.