

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 791 of 2020 (S.B.)

Babulal N. Rangari, aged 60 years,
Occupation retired, resident of Plot no. 207,
Kasturi Nagar, Gotad Panjri,
Near Singapur City, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Ministry of Irrigation,
Mantralaya, Mumbai, 400 032.
- 2) Executive Engineer,
Gondia Irrigation Department,
Civil Lines, Gondia.
- 3) The Treasury Officer,
State of Maharashtra, Gondia.
- 4) Superintending Engineer,
Gondia Irrigation Department, Gondia.

Respondents.

S/Shri M.B. Agasti, S.U. Ambagade, Advs. for the applicant.
Shri A.M. Khadatkhar, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 28/07/2023.

J U D G M E N T

Heard Shri S.U. Ambagade, learned counsel for the
applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The applicant was working in the office of respondent no.2, i.e., Executive Engineer, Irrigation Department, Gondia. The applicant is retired on 30/09/2018 after completion of age of superannuation. The respondents have not paid amount of gratuity and pension after the retirement.

3. It is submitted that the applicant has received the amount of gratuity on 10/01/2019 and amount of pension on 06/10/2020.

4. The respondent nos.1 and 2 have not filed any reply. Respondent no.3, i.e., the Treasury Officer, Gondia has filed reply. In the reply, it is submitted that it was the duty of parent department i.e. respondent no.2 to fix the pay and submit the pension papers to the A.G. Office, but those were not complied and therefore the pension and pensionary benefits were not given within time. The main contesting respondents have not filed the reply. The duty of Treasury Office is only to disburse the payment and therefore reply of respondent no.3, i.e., the Treasury Officer, Gondia is not sufficient to deny the claim of applicant.

5. As per the submission of learned counsel for applicant, the applicant has received the amount of gratuity on 10/01/2019 and amount of pensionary benefits on 06/10/2020. The Hon'ble Supreme Court in the case of the **State of U.P. and Ors. Vs. Dhirendra Pal Singh (2017) 1 SCC 49** has held as under :-

“Pension and gratuity are not any bounty to be distributed by Government to its employees on retirement but are valuable rights in their hands, and any culpable delay in disbursement thereof must be visited with penalty of payment of interest. Further held, in absence of any plea that delay in payment of retiral dues was due to employee’s fault and employer had obtained permission in writing from controlling authority in terms of Section 7(3-A), Payment of Gratuity Act, 1972, appellants liable to pay interest @ 6% p.a. on unpaid pension amount from date it had fallen due and interest @ 8% p.a. on unpaid amount of gratuity from date of retirement of employee till the actual payment.”

6. As per the Judgment of Hon’ble Supreme Court in the case of **State of U.P. and Ors. Vs. Dhirendra Pal Singh** (*cited above*), the applicant is entitled for interest @ 6% on unpaid pension amount from the date of retirement till the actual payment and interest 8% p.a. on unpaid amount of gratuity from the date of retirement till the actual payment. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to pay the interest @ 6% p.a. on unpaid pension amount from the date of retirement till the actual

payment and interest @8% p.a. on unpaid amount of gratuity from the date of retirement till the actual payment.

(iii) The respondents are directed to calculate the amount of interest and shall pay the same within three months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 28/07/2023.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 28/07/2023.