

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1055 of 2021 (S.B.)

Dhanraj S/o Damodhar Barapatre,
Aged 57 years, R/o plot No.502/B,
Narmada Colony Katol Road,
NAGPUR. 440 013.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Dairy Development Department,
Mantralaya, MUMBAI, 32.
- 2) The Regional Dairy Development Officer,
Telang Khedi Road, Civil Lines,
NAGPUR.440 001.

Respondents.

Shri Bharat Kulkarni, Advocate for the applicant.
Shri A.M.Ghogre, learned P.O. for respondents.

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

Dated :- 12/09/2023.

J U D G M E N T

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The applicant had filed C.A.No.219/2021 in O.A.No.657/2020. This Tribunal has passed the order dated 27/08/2021. The para-5 of the order is reproduced below-

“(5) The impugned order dated 27.02.2020 was stayed till filing of the reply. As per prayer clause in the C.A., the ld. counsel for

the applicant submits that applicant has not been paid salary from 01.12.2020, the matter is subjudice unless it is finally decided, salary should not be stopped. Respondents are directed to pay salary of the applicant as applicable to him from 01.12.2000, till the outcome of the O.A.”

3. Thereafter Contempt Petition No.48/2021 was filed by the applicant. The said Contempt Petition was disposed of by this Tribunal as per the order dated 25/10/2021. The Contempt Petition was disposed of as the respondents have complied the order by paying the salary of applicant from 01/12/2020 to 30/09/2021.

4. The applicant has filed the present O.A. for direction to the respondents to pay interest @ 12% for delayed payment of salary from 01/12/2020 to 30/09/2021, i.e., the delay is of 10 months.

5. The O.A. is strongly opposed by the respondents. It is submitted that there was no any delay to pay the salary. The respondents have paid salary as per the order passed by this Tribunal in earlier C.A.No.219/2021 in O.A.No.657/2020. The Contempt Petition was also disposed of. Hence, the O.A. is without any merit and liable to be dismissed.

6. During the course of submission, the learned counsel for applicant has submitted that the salary of the month from 01/12/2020

to 30/09/2021 was delayed by 10 months. Those salaries were paid on 08/10/2021. Hence, the applicant is entitled for interest.

7. Heard Shri A.M. Ghogre, learned P.O. for the respondents. He has pointed out the order passed by this Tribunal in C.A.No.219/2021 in O.A.No.657/2020.

8. The para-5 of the order in C.A.No.219/2021 in O.A.No.657/2020, dated 27/08/2021 clearly shows that it was a conditional order. As per the order "respondents were directed to pay salary of the applicant as applicable to him from 01/12/2000 till the outcome of the O.A."

9. During the course of submission, learned counsel for applicant submitted that the O.A.657/2020 was disposed of as withdrawn. There is no finding in respect of the order dated 27/08/2021. The order was very clear that salary was to be paid till the outcome of the O.A. That O.A. was disposed of as withdrawn. The applicant was at liberty to claim for the interest of the said amount / delay in the said O.A. itself. It was the contention of the applicant that the salary from 01/12/2020 was not paid. After the order dated 27/08/2021, in the next month, i.e., in the month of September salary was paid to the applicant. There is no dispute about it. In respect of the interest claimed by the applicant the order dated 27/08/2021 in C.A.No.219/2021 in O.A.No.657/2020 is very clear. The order clearly

shows that the order was applicable till the outcome of that O.A. That O.A. is disposed of as withdrawn by the applicant. No any findings in respect of the arrears of salary are recorded by the Tribunal. Moreover, by amending the O.A. the applicant was at liberty to claim interest. The applicant cannot file again and again same type of O.A. Hence, the O.A. is disposed of. No order as to costs.

Dated :- 12/09/2023.

dnk.

**(Justice M.G. Giratkar)
Vice Chairman.**

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 : 12/09/2023.