

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 163 of 2021 (S.B.)

Mrs. Chitra W/o Manohar Pathak,
Aged 59 yrs.; Occ: Retired,
R/o. Plot No. 23, 'Shiv Krupa', Near Ram Mandir,
Swawlambi Nagar, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary, Medical Education and Drugs Department,
9th Floor GT Hospital Campus Building, New Mantralaya,
Fort, Mumbai-01.
- 2) Director of Medical Education and Research,
4th Floor, Dental College Building,
St. Georges Hospital Compound, CST, Mumbai - 01.
- 3) Dean, Government Medical College, Nagpur.

Respondents.

Shri N.D. Thombre, Advocate for the applicant.
Shri A.M. Khadatkhar, learned P.O. for respondents.

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

Dated :- 24/08/2023.

J U D G M E N T

Heard Shri N.D. Thombre, learned counsel for the applicant and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was working as a Laboratory Technician. The applicant came to be retired on 30/09/2019 on superannuation. The applicant has received the amount of G.P.F. only, but the

respondent has not paid the amount of DCRG (Gratuity), Pension, GIS and leave encashment etc. Therefore, the applicant approached to this Tribunal for direction to the respondents to pay interest on the unpaid amount of DCRG, GIS, leave encashment etc. and on the amount of pension.

3. The O.A. is strongly opposed by the respondents. In para-4 of reply, the following submission is made –

“(4) It is submitted that, while pay verification unit had raised objection on 31/01/2020 that she was paid Rs 10/- in excess in her salary w.e.f. 01/07/2006 as per GR dtd. 05/05/2010 to be revised as per Objection No. 50 and again revised pay order dtd. 07/03/2020.”

4. In para-8 of reply, the respondents have given the following details in respect of payment of GPF, GIS and DCRG amount –

Date	Particulars	Amount (Rs.)
23/12/2019	GPF	31,58,259/-
21/12/2020	GIS	1,85,020/-
08/02/2021	DCRG	13,79,400/-

5. During the course of submission, the learned counsel for applicant Shri N.D. Thombre has submitted that the applicant is getting pension. The learned P.O. has submitted that because of Covid,19 there was some delay. The Pay Verification Unit not approved the pension case of applicant and therefore there is a delay.

6. The applicant was not responsible for the delay. As per the provisions of Rules 129 and 130 of the Maharashtra Civil Services (Pension) Rules, 1982, if the employee is not responsible for delay, then the employer is liable to pay interest.

7. The Hon'ble Supreme Court in the case of **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."

8. This Tribunal has also decided the O.A.No.412/2022 on 31/07/2023 and directed the respondents / employer to pay the interest @ 6% p.a. on unpaid pension amount from the date of retirement till the actual payment. There is no dispute that the applicant was not at fault, he was not responsible for the delay. It is for the employer/ respondents to process the pension case well in advance before the date of retirement of employee. The Government

has issued Circulars from time to time and guidelines are given to the respective head of the department. Covid,19 is not a ground to deny the claim of the applicant. All the Offices were running in Covid,19. There is no evidence to show that offices were closed and office work was not done in that period. As per the Judgment of Hon'ble Supreme Court in the case of ***State of U.P. and Ors. Vs. Dhirendra Pal Singh (2017) 1 SCC 49***, the applicant is entitled for interest @ 6% p.a. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to pay interest @6% p.a. from the date of retirement of the applicant till the actual payment is made on the amount of Gratuity, leave encashment, pension and other pensionary benefits except the amount of G.P.F.
- (iii) The respondents are directed to calculate the amount of interest within a period of three months and pay the same to the applicant.
- (iv) No order as to costs.

Dated :- 24/08/2023.

(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 : 24/08/2023.