

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 253 of 2018 (S.B.)**

Dr. Mrs. Reeta Harode,  
Aged about 64 years, Occ : Retired,  
R/o 200-A, Cement Road,  
Shivaji Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Higher and Technical Education,  
having its office at Mantralaya, Mumbai.
- 2) Director, Higher Education,  
Maharashtra, State,  
Pune.
- 3) Director,  
Vasantrao Naik Government Institute of  
Arts and Social Sciences,  
RBI Square Pandit Jawaharlal Nehru Marg, Nagpur.

**Respondents.**

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**Shri S.P. Palshikar, Advocate for the applicant.**  
**Shri M.I. Khan, learned P.O. for respondents.**

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

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**Date of Reserving for Judgment : 13<sup>th</sup> July,2022.**

**Date of Pronouncement of Judgment : 22<sup>nd</sup> July,2022**

**JUDGMENT**

**(Delivered on this 22<sup>nd</sup> day of July,2022)**

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

The applicant has entered into service in the year 1977 as a Lecturer in English and was posted in VMV College, Amravati. Thereafter she was transferred to Nagpur in the month of August, 1978 and was posted with the respondent no.3 College. The date of birth of applicant is 13/10/1953. As per normal procedure, she could have retired on superannuation in the month of October, 2013. It is submitted that the respondent no.1 had issued a Govt. G.R. dated 25/2/2011 thereby proposed to extend the age of retirement upto the age of 62 years. After getting the knowledge of aforesaid Govt. G.R., the applicant has requested the respondent no.3 for grant of benefit of Govt. G.R. dated 25/2/2011 requesting that she should be continued in service till she attains the age of 62 years.

3. The respondents has issued communication dated 17/9/2013 informing her that the proposal of extension of age limit is not decided w.e.f. 1/11/2013, she is not going to get her salary for further period. The applicant filed Writ Petition No.5880/2013. The Hon'ble Bombay High Court, Bench at Nagpur has granted status-quo as regards the services of the petitioner. By virtue of the order of status-quo of the High Court, the applicant continued in service.

Thereafter, Writ Petition No.5880/2013 came up before the High Court for admission on 9/4/2014. The High Court was pleased to dismiss the said Writ Petition for availing alternate remedy. The applicant approached this Tribunal claiming the interim order of status-quo was continued by the High Court for a period of six weeks. Initially this Tribunal had continued the order of status-quo. On 27/8/2014, the O.A. was rejected. Thereafter, the applicant has assailed an order of this Tribunal by filing Writ Petition No.5123/2014. The High Court had not granted any interim relief. The said Writ Petition was dismissed on 29/10/2015. The applicant could not get benefit of Govt. G.R. dated 25/2/2011. The applicant was in continuous service till 27/8/2014.

4. The applicant has requested the competent authority to release the pensionary benefits. On 14/3/2016 and 16/3/2016 it was informed to the applicant that the salary which was paid to her till July,2014 should be reimbursed. The applicant approached to this Tribunal and filed O.A.No.213/2016. The said O.A. was allowed and the communications dated 14/3/2016 and 16/3/2016 of respondents were quashed and set aside. This Tribunal has directed the respondents to finalise the pension case of the applicant within three months. The respondents have not followed the directions, therefore, the applicant again approached to this Tribunal by filing O.A.No. 531/2017 for the reliefs as follows –

*“(i) Interest @ 18% on amount of gratuity from 5/1/2017 to 23/2/2017, interest on total pension from 5/1/2017 to 24/4/2017, interest on General Provident Fund from 5/1/2017 to 25/5/2017 and the said interest on abovesaid amounts should be at the rate of 18% per annum be granted.*

*(ii) Further be pleased to direct the respondent to release the pension benefits of Group Insurance Scheme and grant interest @ 18% from 5/1/2017 till its actual realisation.*

*(iii) Further be pleased to grant interest @ 18% per annum on salary of August,2014 from 1/9/2014, till its actual realisation.*

*(iv) Further be pleased to grant interest on 15 days Medical Leave which was sanctioned on 28/11/2016 from 28/11/2016 till its actual realisation.*

*(v) Further be pleased to direct the respondents to pay cost to the applicant to the tune of Rs.50,000/- for mental agony and harassment to the applicant.”*

5. The application is strongly opposed by respondent nos.1 and 2. It is submitted that the relief for interest was prayed by the applicant in O.A.No. 531/2017. The said O.A. was disposed off with direction and prayer of interest was not considered by this Tribunal. It is submitted that there was no delay on the part of the respondents.

Hence, Sections 129 A and B of the Maharashtra Civil Services (Pension) Rules,1982 are not applicable. The delay was not on the part of respondents. At last submitted that the O.A. is without any merit and liable to be dismissed.

6. Heard the learned counsel for the applicant Shri S.P. Palshikar. He has submitted that the respondents have not paid the amount of pensionary benefits within time, there is much more delay and therefore the applicant is entitled for interest as prayed in the prayer clause i.e. from December, 2015 to 23/2/2017, from December,2015 to 24/4/2017, from December,2015 to 24/7/2017 and from 1/9/2014 to 14/8/2017 @ 18% p.a.

7. The learned counsel for the applicant has pointed out the order passed by this Tribunal dated 27/11/2017 in O.A. 531/2017 in which specific direction was given to the respondents to consider the representation of applicant dated 23/11/2017 (P-26). The learned counsel has submitted the respondents have not paid the interest.

8. The learned P.O. Shri M.I. Khan submitted that delay was on the part of applicant herself. She has filed Writ Petitions and several O.As. The applicant was to retire at the age of 60 years, but she approached to the High Court by filing Writ Petition. The Hon'ble High Court granted status-quo. The applicant was continued in service. The Writ Petition was dismissed. The applicant approached

to this Tribunal by filing O.A. Initially the status-quo was continued, but thereafter it was rejected. The applicant filed another Writ Petition before the High Court which was dismissed. Again O.A. was filed for challenging the recovery. In the said O.As., the prayer was made for direction to the respondents to quash the communication of recovery, to finalise the pension case of the applicant and direction to the respondents to consider aspect regarding interest.

9. Again the applicant filed O.A.No. 531/2017 for direction to the respondents to pay pensionary benefits along with interest. During the pendency of the said petition, the pensionary benefits were given to the applicant. The lapses on her part and therefore the applicant is not entitled for interest. The applicant had not submitted the material documents to process her pension case. The Id. P.O. has pointed affidavit-in-reply more particularly Para-7,8 & 9. It is submitted that the lapses were on the part of the applicant and not on the part of the respondents because of the several cases, the respondents could not finalise the pension case. Hence, the O.A. is liable to be dismissed.

10. There is no dispute that the applicant was to be retired at the age of 60 years. She has stated in the para (II) that “as per the normal procedure she could have retired on superannuation in the month of October,2013.”

11. The applicant for getting the benefit of G.R. dated 25/2/2011 wanted her to be continued upto the age of 62 years. Her request was not considered by the State Government and therefore she approached to the Hon'ble High Court by filing Writ Petition No.5880/2013. The status quo was granted. Ultimately, the said Writ Petition was dismissed. The status-quo order was continued for six weeks. The applicant approached to this Tribunal by filing O.A. 322/2014 and status-quo order was continued. The said O.A. was dismissed on 27/08/2014. Till 27/8/2014, the applicant was continued in service. She got the benefit about one year, therefore, she was communicated that why excess amount should not be recovered which was paid to her as she had continued in service more than 60 years. Again the applicant approached to the Tribunal by filing O.A. In the said O.A. No. 531/2017, the applicant claimed interest @ 18% on the amount of gratuity and other pensionary benefits. The said O.A. was decided on 27/11/2017, but relief of interest was not granted.

12. The applicant again approached to this Tribunal by filing another O.A. 531/2017. During the pendency of the said O.A., the applicant had received pensionary benefits.

13. This Tribunal in O.A. 213/2016 has passed the order in favour of the applicant. The operative part of the O.A. is as under –

- “ (i) O.A. is allowed.
- (ii) Communications dated 14/3/2016 and 16/3/2016 are quashed.
- (iii) The respondents to finalize the pension case of the applicant within three months.
- (iv) The respondents to consider the aspect regarding interest, according to law.
- (v) No order as to costs. ”

14. Again the applicant filed O.A. 531/2017 with a prayer of interest. The said O.A. was decided by this Tribunal on 27/11/2017. It is observed that during the pendency of the O.A., the applicant has received all the retiral benefits, therefore, the O.A. was disposed of with direction to the respondent no.1 to consider the representation of applicant for interest.

15. It is pertinent to note that the applicant was informed by the respondents that her representation is rejected. It was informed that the applicant herself is responsible for delay and therefore she is not entitled to get any interest. The applicant has filed the present O.A. for direction to the respondents to pay interest @18%. It is pertinent to note that the relief once decided, it cannot be again re-agitated. In O.A. 213/2016, the applicant prayed for direction to the respondents to finalise the pension case and grant interest @ 18%. This Tribunal has not granted the relief of interest to the applicant.



Again she prayed for some relief in O.A. 531/2017. Again the applicant prayed for interest in the present O.A.

16. It appears from the above discussions that the applicant has challenged the order of retirement before Hon'ble High Court. After getting the status-quo order, she was continued in service one year more. Again she approached to the High Court. The said Writ Petition was dismissed. She has filed 3-4 O.As. before this Tribunal. It appears that the pension case was delayed due to lapses on the part of the applicant herself and not on the part of respondents. Hence, the applicant is not entitled for any interest. Therefore, I pass the following order –

**ORDER**

The O.A. is dismissed. No order as to costs.

**Dated** :- 22/07/2022.

**(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 : 22/07/2022.

Uploaded on : 22/07/2022.

ok