

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 308 of 2018 (S.B.)

Dilip Wamanrao Deshmukh,
Aged about 65 years, Occ. Retired,
R/o 'Kavach' Opposite Somani Empire,
Old Biyani Square, Camp, Amravati,
Tq. and Dist. Amravati.

Applicant.

Versus

- 1) State of Maharashtra,
through its Chief Secretary of Agricultural and Animal
Husbandary Department,
5th floor, Extension Building,
Madam Cama Road, Mantralaya, Mumbai.
- 2) State of Maharashtra,
through its Secretary, Planning Department,
Maharashtra State, Madam Kama Road,
Mantralaya, Mumbai.
- 3) State of Maharashtra
through its Secretary,
Rural Development and Water Conservation Department,
Madam Kama Road, Mantralaya, Mumbai.
- 4) Divisional Joint Director of Agricultural,
Tapovan Road, Amravati,
Tq. and Dist. Amravati.
- 5) District Superintendent Agricultural Officer,
Visawa Colony, Old Bye-Pass Road,
Camp, Amravati, Tq. and Dist. Amravati.

Respondents.

Shri P.S. Patil, Advocate for the applicant.
Shri V.A. Kulkarni, P.O. for respondents.

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

Dated :- 04/07/2022.

JUDGMENT

Heard Shri P.S. Patil, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. As per the submission of learned counsel, the applicant was in service as an Agriculture Officer. The applicant was served a charge sheet on 12/8/2005. The reply was submitted by the applicant on 30/8/2005. On 6/11/2008, the Enquiry Officer submitted report that the applicant is not involved in any financial irregularities. The applicant was only held responsible for not giving guidance to its employees working under him. On 31/03/2012, the applicant retired from service as Sub Divisional Officer (SDO), Morshi. The respondent Water Conservation Department imposed the punishment by order dated 25/6/2014 to recover Rs.11,149/- from the salary of the applicant. The applicant did not challenge the same in any court of law. The respondents have already recovered the said amount from the pensionary benefits of the applicant. The second inquiry was started in the year 2006 and the said inquiry was completed on 12/5/2017 by which the respondent department accepted the inquiry report of the Inquiry Officer and held that the applicant was exonerated from all the charges levelled against him.

3. It is the contention of the applicant that since 2012 the amount of Death cum Retirement Gratuity (DCRG) of Rs.5,11,005/-

was not paid to him. He made various representations to the respondents. Lastly on 11/4/2019 the bill was submitted by respondents. Therefore, he is entitled for interest on the said amount as per the Rule 129 B of the Maharashtra Civil Services (Pension) Rules, 1982.

4. The learned P.O. Shri V.A. Kulkarni submitted that because of the administrative exigency bill could not be submitted to the Treasury and therefore there was no delay on the part of the respondents.

5. There is no dispute that second inquiry was completed in the year 2017 itself. There is no dispute that as per the first inquiry report, the amount of Rs.11,149/- was already recovered by the respondents. In the second inquiry, the applicant is exonerated from all the charges levelled against him. Therefore, there was no any hurdle for the respondents to pay DCRG as early as possible in the year 2017 itself, but the respondents failed to pay the amount of DCRG till 2019. Hence, the applicant is entitled for interest as per the Rule 129 B of the Maharashtra Civil Services (Pension) Rules, 1982 from 12/5/2017 till 11/4/2019.

6. The applicant has already received the amount of DCRG as per Bill dated 11/4/2019 of Rs. 5,11,005/- during the pendency of this O.A. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to pay the interest as per the Rule 129 B of the Maharashtra Civil Services (Pension) Rules, 1982 @ 10% p.a. on the amount of DCRG of Rs.5,11,005/- from 12/5/2017 till 11/4/2019.

(iii) No order as to costs.

Dated :- 04/07/2022.

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 : 04/07/2022.

Uploaded on : 05/07/2022.

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