

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 489 of 2020 (SB)

Dr. Hemant S/o Radhakisan Dhamat,
Aged about 58 years, Occ. Retired,
R/o near Arvi Naka, behind Dnyaneshwar Mandir,
Gajanan Nagar, Wardha.

Applicant.

Versus

- 1) State of Maharashtra,
through its Principal Secretary,
Public Health Department,
10th floor, G.T. Hospital Complex Building,
New Mantralaya, Mumbai-400 001.
- 2) Director of Health Services,
Arogy Bhavan, St. Gorges Hospital Campus,
P-Dmelo Road, CST, Mumbai-400 001.
- 3) Dy. Director of Health Services,
Nagpur Region, Mata Kacheri Compound,
Sraddhanand Peth, Nagpur-440 022.
- 4) Civil Surgeon,
General Hospital, Wardha.

Respondents.

Shri N.D. Thombre, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Date of Reserving for Judgment : 22nd March,2022.

Date of Pronouncement of Judgment : 1st April,2022.

JUDGMENT

(Delivered on this 1st day of April, 2022)

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

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

The applicant was working with the respondents on the post of Medical Officer, Group-A under the Maharashtra Medical and Health Services w.e.f. 17/3/1993. The applicant was appointed by order dated 13/1/2010 with retrospective effect from 17/3/1993. The applicant had given notice for voluntarily retirement on 1/8/2014. After completion of 3 months, the applicant proceeded on voluntarily retirement as nothing was received from the respondents regarding acceptance or otherwise of his voluntarily retirement.

3. After the long persuasion, the respondent no.1 given permission for the voluntary retirement of the applicant by G.R. dated 22/4/2016 w.e.f. 1/11/2014. Till his retirement, the applicant has not received increments and its arrears, benefits of Assured Progressive Scheme. There is a delay on the part of respondents to grant / sanction his voluntarily retirement and release of pensionary benefits and pension of applicant. Hence, the applicant approached to this Tribunal for direction to direct the respondents to pay interest on the

delayed payment of arrears of salary, arrears of benefits of Assured Progressive Scheme and pension and pensionary benefits.

4. The application is opposed by the respondents. It is submitted that as per the procedure, the voluntary retirement is to be granted by respondent no.1. In para-11 of the reply, it is stated that *“for updating and preparing revised pension case of the applicant took some time which has caused due to administrative procedure. There was no malafied intention or vindictiveness in not paying the amount or retirement benefits to the applicant in earlier point of time. All these administrative procedures are to be followed strictly and therefore if some delay is caused due to such administrative exigency, the fault or delay cannot be attributed to the respondents. It is specifically pointed out here that though the applicant has given the notice of voluntary retirement vide letter dated 1/8/2014, the notice came to be accepted by the government, who is competent authority in case of the applicant, on 22/4/2016, w.e.f. 1/11/2014 and from 22/4/2016 there is no inordinate on intentional delay is caused in payment of retirement benefits to the applicant.”*

5. Heard Shri N.D. Thombre, learned counsel for the applicant. He has submitted that there is no dispute that there was delay on the part of the respondents to pay pensionary benefits. There is no dispute that in the year 2014, the applicant applied for voluntary

retirement and it was accepted in the year 2016. The respondent no.1 has taken two years time to accept applicant's voluntary retirement application, which was accepted from 1/11/2014.

6. The learned counsel for the applicant has pointed out the Rule 129-B of the Maharashtra Civil Services (Pension) Rules,1982 which reads as under –

“ 129-B. Interest on delayed payment of Pension :- (1) If the payment of pension has been authorized after six months from the date when its payment became due and it is clearly established that the delay in payment was attributable to administrative lapse, interest at the rate of 10 per cent per annum in respect of the period beyond six months shall be paid on the amount of pension:-----”

7. There is nothing on record to show that there was any fault on the part of applicant. On the other hand, it is admitted position that there was delay on the part of respondents to pay pensionary benefits.

8. The learned counsel for the applicant has pointed out the Judgment in case of **Dr. A. Selvaraj Vs. C.B.M. College & Ors.,** decided by the Hon'ble Supreme Court in C.A.No.1698/2022, dated 4/3/2022. In the said Judgment, the Hon'ble Supreme Court has directed the respondents / management to pay interest on the delayed payment from the date of retirement till the actual payment was made.

9. The Hon'ble Bombay High Court in W.P. 1192/2021 in the case of **Prasad V. Sohoni Vs. The Treasury Officer, Thane & Ano.** , has directed to pay the interest @6% p.a. In that view of the matter, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to pay interest @ 6% p.a. on all the pensionary benefits w.e.f. the date of retirement of the applicant i.e. from 1/11/2014 till the actual payment.
- (iii) No order as to costs.

Dated :- 01/04/2022

(Justice M.G. Giratkar)
Member (J).

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 Member (J).

Judgment signed on : 01/04/2022

Uploaded on : 04/04/2022 **