

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.559/2016.

(S.B.)

Ramdas Narayan Wanjari,
Aged about 63 years,
Occ-Retired.
R/o Budhwari Peth, Umred, Dist. Nagpur.

Applicant.

-Versus-

- 1) The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forests,
Mantralaya, Mumbai-400 032.
- 2) The Collector,
Civil Lines, Nagpur.
- 3) The Sub-Divisional Officer,
Umred (Rural), Distt. Nagpur.

Respondents

Shri V.S. Shingane, the learned counsel for the applicant.

Shri A.M. Ghogre, the learned P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

ORAL ORDER

(Passed on this 14th day of January 2019.)

Heard Shri V.S. Shingane, the learned counsel for the applicant, Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant has retired as Aval Karkun on superannuation on 31.5.2011. He was not paid pensionary benefits and since one departmental enquiry was pending against him. In the departmental enquiry, the Collector, Nagpur on 18.9.2013 imposed following punishment on the applicant:-

“मी सौरभ राव, जिल्हाधिकारी, नागपूर शिस्तभंग विषयक प्राधिकारी म्हणून श्री. रामदास नारायण वंजारी (सेवानिवृत्त) अक्वल कारकून, उपविभागीय अधिकारी कार्यालय, उमरेड यांचेवरील आरोप क्र. १ मधील रक्कम रु. ३०२५/- (रु. तीन हजार पंचेवीस) व त्यावर भविष्य निर्वाह निधी वरील व्याज दाराप्रमाने व्याजाची आकारणी करून वसूल करून खजिना दाखल करण्याचे आदेश पारित करण्यात येत आहे.”

3. The applicant filed an appeal against the said order before the Divisional Commissioner, Nagpur Division, Nagpur, but his appeal was partly allowed and he was directed to deposit the amount of Rs. 3,225/- alongwith interest of Rs. 1783/-. In view of the said order, the applicant has deposited the amount of Rs.4800/- on 14.10.2013. This fact was intimated to the respondents vide letter dated 15.10.2013 at Annexure A.3. In view of the said fact, the applicant was not paid the amount due. The applicant has thereafter

received the amount, but late. He has received the amount as under:-

Sr. No.	Amount	Particulars
1	Rs.6,85,144/-	GPF amount dt. 18.7.2011.
2.	Rs. 39,668/-	GIS amount dt. 21.12.2011
3.	Rs. 2,66,100/-	Gratuities amounting paid on dt.19.12.2015
4.	Rs.9,56,905/-	Pension w.e.f. 1.6.2011 to 31.12.2015 paid on 5.4.2016.
5.	Rs.2,69,080/-	Earned Leave amount paid on dt. 24.6.2016 from respondent No.3.

4. There was a tremendous delay in payment of retiral benefits. The applicant is, therefore, claiming interest on the said amount.

5. The respondent No.3 has filed reply affidavit. It is stated that after final disposal of the departmental enquiry proceedings and final order in the matter, the respondents had obtained various information and requisite documents from the concerned officers so as to update and regularize the applicant's service book and record and after updating the service record, case of the applicant's pension, gratuity etc. was sent to the Accountant

General, Nagpur on 11.3.2015 and after receiving requisite order, amount has been paid.

6. Perusal of the application itself shows that, after retirement on 31.5.2011, the applicant received the amount of GPF of Rs. 6,85,144/- on 18.7.2011, amount of GIS of Rs. 39,668/- on 21.12.2011 and amount of gratuity of Rs. 2,66,100/- was also paid to him on 19.12.2015 and amount of leave encashment of Rs. 2,69,080/- was paid on 24.6.2017. The said amount was admittedly due at least on the date of termination of departmental enquiry proceedings. As per the punishment given in the departmental enquiry, the applicant has deposited the amount on 14.10.2013 and, therefore, he should have received the amount of gratuity, leave encashment and pension on 14.10.2013. He has received the said amount, however, on 19.12.2015 and on 24.6.2016 respectively and, therefore, there is an admitted delay of payment of amount of gratuity as well as the amount of leave encashment and difference of pension amount. Hence, I proceed to pass the following order:-

ORDER

- (i) The respondents are directed to pay interest as admissible under Rule 129-A and 129-B of the Maharashtra

Civil Services (Pension) Rules, 1982 to the applicant for late payment of gratuity, leave encashment and difference of pension amount from 14.10.2013 till the date he had received the respective amount as per rules and regulations.

- (ii) Interest shall be paid to the applicant as per admissible rate within a period of **three months** from the date of his order.
- (iii) No order as to costs.

(J.D. Kulkarni)
Vice-Chairman(J)

Dt. 14.1.2019.

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