

**O.A. No.566/2016**

**(Martand s/o Nanarao Patil V/s State & 2 others).**

**Coram : Hon. Shri S.S. Hingne, Vice Chairman.**

**Dated : 20.12.2016.**

**Order –**

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respondents.

2. The matter is heard and decided at the admission stage with the consent of Id. Counsel for the parties.

3. The applicant has filed the O.A. seeking interest on the delayed payment of terminal benefits. The respondent filed the reply of Superintendent of Police, Washim. In the reply (P-16) it is mentioned that the applicant was appointed in 1975 as PSI. He was promoted in 1993 as P.I. and further promoted to the post of SDPO in 2007. According to the respondents due to pendency of criminal matter the benefits were not released. The applicant is retired on 31-08-2007 on attaining the age of superannuation. His terminal benefits were not released. He had filed the O.A. No. 721/2013 seeking the terminal benefits. The O.A. is decided on 11-02-2014 directing the respondents to release the terminal benefits. The applicant had claimed the interest, but that aspect was kept open. Consequently, the present O.A. is moved seeking the interest.

4. The respondents' stand is that the offence vide FIR M Case No. 01/2006 was registered against the applicant which was subjudice

before the CJM, Washim on the complaint of Bhimrao Napte a retired ASI. The copy of FIR is also filed at page no.21 which shows that out of dispute of some internal administration the said employee has moved the Court somewhere in 2006.

5. In the O.A. it is observed that under Rules 27 & 130 of the Maharashtra Civil Services (Pension) Rules, 1982 (in short "Pension Rules") if there is a departmental or judicial proceedings then only the provisional pension can be withheld and the alleged proceedings are none of them. Therefore, the terminal benefits ought to have been released. Meaning thereby there was no reason to withhold the terminal benefits of the applicant for such a reason. Despite of this the applicant is deprived of his legitimate claim for a long period for his no fault. Therefore, the applicant is entitled for interest as per Rule 129 (B) of the Pension Rules.

6. As per Rule 129 (A) if payment is delayed and reason is attributable to the administrative lapse, the interest can be granted. There is no fault on the part of the applicant. There was no reason for respondent to withhold the payment which is the administrative lapse. As such applicant is entitled for interest.

7. The applicant has filed the Chart (P-13) regarding release of retiral benefits which is as under.

<b>Sr. No.</b>	<b>Amount Head</b>	<b>Amount paid</b>	<b>Date of payment order</b>	<b>Date of realization</b>
1	Gratuity (as per 5 <sup>th</sup> pay)	Rs.2,58,000	19/8/2014	19/8/2014

2	Arrears of Revised Pension (as per 5 <sup>th</sup> pay)	Rs.3,99,030	29/9/2014	15/1/2015
3	Gratuity (as per 6 <sup>th</sup> pay)	Rs.1,46,907	6/11/2015	01/1/2016
4	Arrears of Revised Pension (as per 6 <sup>th</sup> pay)	Rs.1,61,611	6/11/2015	11/2/2016

8. The applicant is retired on 31-8-2007. Thus for about a decade the payment is delayed. The applicant has claimed the interest 12% p.a. The interest is to be awarded as per Rule 129 (B) of the Pension Rules as per prevailing rate of interest. The interest can be granted at the rate applicable to the GPF, which differs year to year. Considering the present circumstances the rate of interest is declining. The applicant cannot be given interest @ 12% p.a. as claimed. Considering all the aspects the rate of interest is quantified @ 8% p.a.

9. In view of above, the O.A. is disposed of in the following terms :-

(i) The O.A. is allowed.

(ii) The respondents to pay the interest on the delayed payment from 31-8-2007 at the rate of 8% p.a. till the date of actual payments, under each head, as above.

(iii) Order be complied before 31-03-2017. No order as to costs.

**(S.S.Hingne)**  
**Vice Chairman.**

dnk.