

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 821/2015.

Smt. Shamli wd/o Ashok Khandale,
Aged about 52 years,
Occ-Nil,
R/o Flat No. 104, Techops Heights,
B Wing, Gonhisim, Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Agriculture,
Mantralaya, Mumbai-32.
2. The Administrative Officer,
Vibhagiya Krushi Sah Sanchalak,
(Divisional Agricultural Director),
Nagpur Division, Nagpur.
3. District Superintending Agriculture Officer,
Chandrapur.

Respondents.

Smt. P.S. Kosare, the Ld. Advocate for the applicant.
Shri A.P. Potnis, the Ld. P.O. for the respondents.

Coram:- S.S. Hingne, Vice-Chairman.

Dated:- 5th December, 2016.

Oral order

Heard Smt. P.S. Kosare, the learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. The employee expired on 14.7.2006. The applicant is his widow. She made representation to get terminal benefit. The applicant got benefits at different times, however after a gap of more than half decade.

3. It reveals from the record (P. 17, A.6) that the applicant made representation several times right from 7.10.2006, i.e. in January 2007, April, 2007, August 2007 etc. Thereafter she approached this Tribunal and filed the O.A. NO. 202/2013. She also filed contempt proceedings. Then she filed C.P. (St.) No. 1071/2015 in C.A. No. 247/2015 in O.A. No. 707/2013.

4. The respondents' stand is that the deceased employee was absent from 26.3.1990 to 17.3.1991 and the nature of his absence was to be decided and the applicant had served at several places in the State of Maharashtra and it had consumed time. Therefore, the interest should not be awarded.

5. As per the provisions in the Pension Rules, pension case is to be started by at least one year before the due date of retirement. The purpose is that the employee should get terminal benefits at an earliest when he retires.

6. In the case in hand, the employee had died on 14.7.2006. As such, there was no occasion to prepare pension case papers in advance. It certainly requires some time. Therefore,

interest cannot be awarded from the date of death of deceased employee.

7. Considering this aspect and as the cases papers were suddenly to be prepared, the same ought to have been completed within six months. But that is not done. Therefore, applicant can be entitled for interest from 1.1.2007.

8. The reason putforth by the department is that the nature of absence of the applicant was to be determined. No doubt he was absent for long spell somewhere in 1991, but that does not mean that it requires years to decide the nature of his absence. Anyhow fact remains that the negligence is on the part of the administrative department of the respondents not to prepare the case papers at an earliest. Hence, the respondents are liable to pay interest.

9. Applicant claims interest at the rate of 18% p.a. However, that is very excessive. Earlier in some cases, interest at the rate of 10% p.a. is awarded. However, interest rates are reduced. As such, the interest at the rate of 8% p.a. can be reasonable.

10. Consequently, the O.A. is decided on following terms:-

(i) The O.A. is allowed.

(ii) The applicant be paid interest on the delayed payment from 1.1.2007 till the actual payment of

amount under each head at the rate of 8% p.a. till the date of actual payments of amount on each head.

(iii) No order as to costs.

(iv) Interest be paid to the applicant within a period of two months from today.

(v) This order be complied within two months from today.

(S.S. Hingne)
Vice-Chairman

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