

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 830 OF 2021

DISTRICT:- NANDED

Sanjay Vasantao Pardikar,
Age: 61 years, Occu: Nil – Pensioner,
As Ex. Engineer, R/o. 6, Indraprastha
Nagar, Sham Nagar Road,
Nanded – 431 605.

.. APPLICANT

V E R S U S

1. The State of Maharashtra,
Through the Principal Secretary,
Public Works Department,
Mantralaya, Mumbai 400 032.

2. The Chief Engineer,
Public Works Region,
Aurangabad.

.. RESPONDENTS

APPEARANCE : Shri Ajay S. Deshpande, learned counsel
for the applicant.

: Mrs. Deepali S. Deshpande, learned
Presenting Officer for the respondent
authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN

DATE : 14.02.2023

O R A L O R D E R

Heard Shri Ajay S. Deshpande, learned counsel for the
applicant and Mrs. Deepali S. Deshpande, learned Presenting
Officer for the respondent authorities.

2. The applicant has filed the present Original Application claiming interest on the amount of retiral benefits of the period of delay, which has occurred in releasing the said amounts. Learned counsel for the applicant has given a chart specifying the due date of the payment, actual date of making the payment and the amount of interest. Learned counsel submitted that reason as has been assigned by the respondents that, 'since the department, wherein the applicant had previously worked did not provide the information as about pendency of any departmental proceedings, the delay has been caused in processing the pension papers pertaining to the applicant' is wholly irrelevant and unacceptable. Learned counsel submitted that the retiral benefits are not remitted to the applicant within the stipulated period without any cogent reason therefor and without any fault on part of the applicant and, as such, the applicant is entitled for the interest on the said amounts.

3. In the affidavit in reply filed on behalf of the respondent Nos. 1 & 2, it is contended that the information was sought from the planning department vide note dated 1.8.2019 whether any departmental enquiry/Court case is pending against the applicant. It is further contended that Planning Department vide its note dated 27.11.2019 informed that one departmental enquiry

was held against the applicant, however, vide order dated 1.3.2013 the applicant was exonerated from all the charges and except the aforesaid enquiry there was no proceedings held or pending against the applicant. The Planning Department however, informed that since the applicant had also worked under the Employment Guarantee Scheme and Mahatma Gandhi National Rural Guarantee Scheme (mgnrsgs), the information be sought from the concerned Divisional Commissioner and his NOC may be obtained. It is further contended that in view of the remark so received from the Planning Department further information was sought whether any departmental enquiry was pending against the applicant of the period, wherein the applicant had worked under the Employment Guarantee Scheme and Mahatma Gandhi National Rural Guarantee Scheme (mgnrsgs). Accordingly, the information was received that no enquiry was pending against the applicant in the said department. It is further contended that after the information was received from all the departments the pension papers pertaining to the applicant were processed and accordingly the retiral benefits are paid to the applicant. It is further contended that since the retiral benefits could not have been remitted in favour of the applicant without ascertaining that no departmental proceedings are pending

against the applicant, the delay has occasioned in remitting the retiral benefits. It is contended that the time, which has been consumed is for *bona fide* reasons and, as such, it cannot be said that the respondents have committed deliberate delay in making payment of the retiral benefits. The respondents have, therefore, prayed for rejecting the application.

6. After having considered the submissions so made and after having perused the documents filed on record there appears substance in the contentions raised by the applicant in his application. It cannot be disputed that the retiral benefits are to be paid to the retiring Government servant promptly and in any case within the period stipulated for making such payment. The retiral benefits consist of the payment of gratuity, payment of GPF amount, payment of leave encashment, commutation of pension etc. In every act there are inbuilt provisions specifying the time limit for making such payments to the retiring Government servant. In view of the provisions made in almost every act, the respondents are expected to start collecting the information before few months preceding the date of the retirement of the Government employee. In the instant matter, when it was possible to call for the information from all the concerned offices before the date of retirement of the applicant, the information has

been sought in part and the required diligence does not seem to have been shown while collecting such information and because of that the delay has occasioned in making the payment of the retiral benefits to the applicant. As such, according to me, the respondents cannot avoid responsibility of paying interest to the applicant of the period of delay which has occurred in making such payments.

7. Applicant got retired on attaining the age of superannuation on 31.8.2019 and his retiral benefits were not paid to him only on the ground that no information was received from the departments, where the applicant had worked about pendency of any departmental enquiry against him in the said departments. As I noted hereinabove the respondents were under an obligation to collect all such information before the date of superannuation of the applicant or within the reasonable period thereafter. However, it is the matter of record that in making payments of all retiral benefits i.e. pension, gratuity, commutation, GIS, leave encashment and GPF delay has been caused. The reason as has been assigned by the respondents is wholly unjust and improper.

8. It can be discerned that, the officers in the respective offices, who were under an obligation to ensure that all retiral benefits are

remitted within time in favour of the applicant, are responsible for occurrence of delay without any justifiable cause. However, ultimately the Government has to pay the interest of the period of delay which has occurred in remitting respective payments. The applicant has provided the said information in the tabular form. The said information is annexed with the present order as **Annex. 'A'**. The Government shall verify the dates mentioned in the said tabular form of the due date of payment and the actual date of payment and the amount of interest as mentioned. As I noted herein above, in every Act there are inbuilt provisions stipulating the time limit for payment of the amount under the said Act. Since the payment has not been made within the said stipulated period, the applicant is held entitled for interest for the period of delay, which has occasioned in making such payments.

9. In view of the above, following order is passed :-

ORDER

(A) The Respondents are directed to pay interest on gratuity, leave encashment, GIS and provisional pension for the period beyond stipulated permissible limit, till the date of actual payment at the rate applicable to GPF deposit and it should be paid within three months from today.

(C) The respondents are jointly and severally liable to pay interest as directed above.

(D) The Original Application stands allowed in the aforesaid terms. No order as to costs.

VICE CHAIRMAN

O.A.NO.830-2021 (SB)-2022-HDD-Pension & pensionary benefits

Annexure "A"

Interest Statement on Retiree benefits due to S.V. Pardikar, Executive Engineer (Retd.)								
Sr. No.	Pension benefits	Date of retirement	Total amount due	Date of payment	Due date of payment	Delay	Period of interest	Interest amount at GPF interest rate
1.	Pension pay	31/8/2019	2323850	18/8/2022	29/2/2020	2Y-5M-170	March 2020 to 17 Aug 2022	263426
2.	Gratuity	31/8/2019	1400000	8/8/2022	30/11/2019	2Y-8M-7D	Dec 19 to 07Aug2022	297627
3.	Commutation	31/8/2019	2252134	Included in Pension Pay	29/2/2020	2Y-5M-17D	March 2020 to 17 Aug 2022	430657
4.	GIS	31/8/2019	332104	31/3/2021	30/11/2019	1Y-3M-30D	Dec 19 to March 21	33772
5.	Leave encashment	31/8/2019	1255520	12/12/2019	30/9/2019	0Y-2M-11D	Oct 19 to 11/12/2019	19558
6.	GPF	31/8/2019	1776233	23/10/2019	31/8/2019	0Y-2M-22D	1/9/2019 to 22/10/2019	20047
	Total		9339841					1065087

- Calculation made @ GPF rate of interest.
- Grace period prescribed, has been excluded while calculating interest on delayed payment.
- Interest on Gratuity is claimed only till the date of receipt of pension on 17/8/2022, as Arrears of pension have been received on 18.8.2022.

