

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH: NAGPUR
ORIGINAL APPLICATION NO. 611/2015

Krishna Gopalrao Kondalkar,
Aged 73 years,
Presently residing at
C/o Mr. Hemant Kondalkar, Mr. Gajanan's
Thakre's House, Burande Layout,
Arvi Naka, Wardha-44.

-----**Applicant.**

Versus

1. The State of Maharashtra,
Department of Agriculture and
Co-operation, Mantralaya, Mumbai. 32
2. The Divisional Joint Director of Agriculture,
Nagpur Division Nagpur, Admn. Building No. 2
Civil Lines, Nagpur.
3. The Taluka Krishi Adhikari,
Gond Pipri, Distt. Chandrapur.
4. The Sub-Divisional Agricultural Officer,
Rajura, Distt. Chandrapur. ----- **Respondents.**

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1. Shri K.V. Bhoskar, Advocate for the applicant.
 2. Shri S. Deo, C. P.O. for the Respondents.

CORAM : S.S. Hingne : Member (J)
DATE : 24th August, 2016

ORDER

The applicant, Asstt. Agriculture Supervisor has filed the O.A. seeking interest on the delayed payment of terminal benefits.

2. Heard Shri K.V. Bhoskar, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the respondents.

3. By consent of both the parties matter is heard finally and decided at the admission stage.

4. The applicant retired on 30/11/2000. Earlier the enquiry was initiated against him and his 2 increments were withheld vide order dtd. 14/2/1992 and 29/2/1992. He has challenged the said order by filing O.A. No. 285/2004 which was decided on 13/3/2006 and the O.A. is allowed (Annex.A-1, page 11) along with other O.As.

5. Undisputedly, on the same facts after the decision in O.A. No.285/2004 the respondent/department initiated the enquiry and the punishment was imposed on the applicant .

Hence he had filed O.A. No.244/2009 which was decided on 30/3/2012 in favour of the applicant.

6. It is observed in the order dtd. 30/3/2012 in O.A. No.244/2009 (Annex.-A-2, page 19) that the W.P. was filed against the order of punishment decided on 25/8/2003, which came to be dismissed. It is further observed that the order dtd. 13/3/2006 passed in O.A.No.285/2004 was not challenged and therefore that order had attained finality. Therefore holding of 2nd enquiry was not permissible . consequently, the O.A. No.244/2009 was allowed and the order dtd. 14/12/2007 was quashed. Against the order dtd. 30/3/2012 in O.A. No. 244/2009, the WP No. 6121/12 was filed which came to be dismissed on 12/4/2013 (Annexure-A-3, page 31).

7. From this it is manifest that the second enquiry was not permissible so far as the applicant is concerned in the above stage of affairs meaning thereby the order dtd. 13/3/2006 has become final.

8. Due to the above litigation, the terminal benefits were not released. The charges against the applicant were misappropriation of Govt. funds.

9. Since the terminal benefits were released late, the applicant filed the present O.A. claiming interest. The Id. P.O. submits that since the charges were serious the terminal benefits were not released. The Id. Counsel for the applicant submits that when the order in first enquiry was quashed in 2006 vide order dtd. 13/3/2006 in O.A. No.285/2004, there was no reason to hold the 2nd enquiry on the same facts and therefore, the respondent is liable to pay interest at least from 2006. It is observed in the subsequent O.A. No.244/2009 that the 2nd enquiry was not proper. Thus, it is obvious that after the order dtd. 13/3/2006, the respondents should have prepared the pension case and should have released the terminal benefits. Instead of doing that the respondent indulged in second enquiry and therefore cannot escape from the liability to pay the interest. The Id. P.O. submits that at the most the applicant is entitled for interest after the

decision of the W.P. i.e, dtd.12/4/2013. This W.P. arose out of the decision in O.A. No.244/2009 in which the 2nd punishment was challenged

10. In the above state of affairs, the respondents have unnecessarily dragged the applicant in the further litigation after 2006 and therefore the respondents are liable to pay interest .

11. Due to the above facts and as in the meantime the applicant was reverted and then again promoted consequent to the order of the Court, some time is bound to be consumed to prepare the pension case. Under such circumstances if it is held that the applicant is entitled to the interest after the order dtd. 13/3/2006, the period of 7-8 months at least requires to complete the pension papers. As such it can be said that the interest can be ordered from 1/1/2007. The terminal benefits are paid to the applicant somewhere in 2013, 2015 and 2016 on different dates. The applicant is entitled for interest on these payments from 1/1/2007 till the actual payment of the terminal benefits under each head. Consequently, the O.A. is disposed of in the following terms :-

- a) Respondents to grant the interest to the applicant on the terminal benefits from 1/1/2007 till the date of actual payment under each head as per the prevailing rate of GPF.
- b) This order be complied with before 31/12/2016.
- c) No order as to costs.

(S.S. Hingne)
Member (J)

Skt.