

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 67/2016**

Hafizulla Khan Nurull Khan,  
Aged about 73 years, Pensioner,  
R/o Shiloda Road, Shadab Nagar,  
Mahlaxmi Colony, Near Three Micro Tower,  
Akola, Distt. Akola.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Higher and Technical Education,  
Mantralaya, Mumbai.
2. The Director, (Training)  
Directorate of Vocational Education and  
Training, Maharashtra State,  
3, Mahapali marg, Post Box No.10036,  
Mumbai.
3. The Dy. Director, Vocational Education and Training  
Regional Office, Morshi Road, Amravati.
4. The Principal, Industrial Training Institute,  
Patur, Distt. Akola. ----- **Respondents**

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1. Shri N.R. Saboo, Advocate for the applicant.
  2. Shri A.M. Khadatkar, Presenting Officer for the Respondents.
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**CORAM** : S.S. Hingne: Vice Chairman  
**DATE** : 14<sup>th</sup> December, 2016

**ORDER**

The applicant, the retired Craft Instructor is seeking the interest on the delayed payments.

2. Heard Shri N.R. Saboo, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

3. With the consent of Id. Counsel for both the parties, the matter is heard and decided at the stage of admission.

4. The applicant is retired on 31/10/2000. His terminal benefits were paid accordingly. The applicant has agitated for revised pay scale and made several representation ( page 49 to 52) from 2001. Some employees have also filed O.A. No.67/2008 before the Mumbai Bench of this Tribunal. After the decision in the said O.A. the Govt. issued the communication dtd. 17/8/2013 ( Annex-R-X1, page-43) for re-fixation of the pay scale. After this letter, the respondents should have taken the prompt steps and released the enhanced payment that was already delayed ,

which is obvious from the chart filed at page no.49. The payments are made somewhere in 2014 and 2015. Thus, there is a delay in the payment of these amounts.

5. The respondents' stand is that the re-fixation was to be done and therefore official correspondence took place late. However, that cannot be excused. Anyhow fact remains that despite of the order of the Mumbai Bench and the communication of the Govt. dtd. 17/8/2013, the payment is delayed and the delay is attributable to the respondents only.

6. The applicant claims interest from the date of retirement. However, applicant's claim of arrears is based on the re-fixation. It is not the case of the applicant that deliberately he was deprived of benefit of such re-fixation. Sometimes mistakes are committed. No doubt the applicant was agitating the matter by making representations. However, it is not clear that he had made out the case and despite of this, the respondents have not done the re-fixation. The matter was completely decided in the O.A. and thereafter the orders

are issued. As such the applicant cannot claim interest from the date of his retirement but he can be entitled from the date of order of re-fixation by the Tribunal. That date is not available. No doubt it is manifest that the Govt. issued the letter dtd. 17/8/2013 and thereafter also the payment is delayed. Hence the applicant is entitled for the interest @ 8% p.a. on this delayed payment from 17/8/2013 till the actual payment of the amount of re-fixation under each head. In effect the O.A. is disposed of in the following terms :-The O.A. is partly allowed.

- a) The applicant be paid interest @ 8% p.a. from 17/8/2013 till the payment of actual amount under each head on each count on the enhanced amount after re-fixation.
- b) The order be complied with before 31/3/2017.
- c) No order as to costs.

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

Skt.

