

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 729 of 2021 (SB)

Vishakha D/o Vinayak Bankar,
Aged about 46 years,
Occ. Nil, R/o Flat No.13,
Shiv Enclave, Gokul Housing Society,
Gorewada Road, Nagpur-440 013.

Applicant.

Versus

- 1) The Principal Secretary (Labour)
Industries, Energy & Labour Department,
Mantralaya, Mumbai-32.
- 2) The Commissioner of Labour,
Kamgar Bhavan, 4th floor, C-20,
E-Block, Bandra Kurla Complex,
Bandra (East), Mumbai-400 051.
- 3) Additional Labour Commissioner,
New Administrative Building No.2,
4th floor, A-Wing, Civil Lines,
Near Zilla Parishad, Nagpur-440 001.

Respondents.

Shri R.M. Fating, Advocate for the applicant.

Shri V.A. Kulkarni, P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated :- 28/03/2022.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was selected for the post of Labour Officer by order dated 21/10/2011. She was posted in the office of the Additional Labour Commissioner, Nagpur where she joined duties on 02/11/2011. Thereafter, the applicant was continuously working with the respondents. Entire service record of the applicant was excellent. Thereafter, the applicant came to be promoted on the post of Assistant Labour Commissioner (Group-A) vide order dated 11/9/2018.

3. Due to some personal reasons, the applicant tendered voluntarily resignation with one month's notice vide application dated 1/2/2019. In pursuance thereof, the respondent no.1 Government has issued order dated 7/3/2019, thereby accepted the resignation of the applicant, on the conditions that no departmental enquiry is initiated or proposed against the applicant and no dues are pending against her. Copy of order dated 7/3/2019 is at Annex-A-6.

4. The applicant has submitted representation to respondent no.3 that there were no dues pending against her. The applicant requested by representations dated 31/8/2019 and 20/11/2019 to the respondent no.3 to pay all her legitimate terminal benefits i.e. amount of Gratuity, GIS, DCPS, leave encashment and also pending salary for the month of February, 2019. However, no steps have been taken by

the respondents to release terminal benefits. Therefore, the O.A. is filed for direction to the respondents to pay all the terminal benefits.

5. The O.A. is opposed by the respondents and submitted that the applicant has not submitted leave application in prescribed form and therefore her leave application was not accepted.

6. During pendency of proceeding, this Tribunal directed the applicant to file leave application in prescribed form. The applicant has submitted leave application in prescribed form. The copy is filed on record at page nos.61 to 63. Now during course of hearing, the learned P.O. Shri V.A. Kulkari has filed letter / order dated 22/12/2021 issued by the Labour Commissioner of Maharashtra State, Mumbai. It is marked Exh-X. As per this letter / order dated 22/12/2021, earned leave of the applicant from 4/2/2019 to 8/2/2019 and 20/2/2019 to 7/3/2019 vide her applications dated 2/2/2019 and 15/2/2019 are sanctioned by the Labour Commissioner of Maharashtra State, Mumbai.

7. It appears that applications are moved by the applicant for leave on 2/2/2019 and 15/2/2019, but it was sanctioned on 22/12/2021. Till date, there was any no information by the respondents. The respondents have not also paid the retiral benefits to the applicant. The delay from 15/2/2019 was not on the part of the applicant. Hence, the applicant is entitled for interest @ 6% p.a. on all

the retiral dues till the date of actual payment. In that view of the matter, the following order -

ORDER

- (i) The O.A. is disposed off.
- (ii) The respondents are directed to pay all the retiral benefits to the applicant as per prayer clause 16 (ii) of the O.A. within a period of one month from the date of receipt of this order.
- (iii) The respondents are directed to pay interest on all retiral benefits @ 6% p.a. from 15/2/2019 till the actual payment by the respondents.
- (iv) No order as to costs.

Dated :- 28/03/2022.

dnk.

(Justice M.G. Giratkar)
Member (J).

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 28/03/2022.

Uploaded on : 29/03/2022_{ok}