

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.879/2018

DISTRICT:- BEED

Balasaheb s/o. Mohanrao Kaldate,
Age : 62 years, Occ : Nil-Retired as
Principal, ITI from Jalna,
R/o. Yashwantrao Chavan Square,
Mauli Nagar, Ambajogai, Dist. Beed. **...APPLICANT**

V E R S U S

- 1) The State of Maharashtra,
Through the Principal Secretary,
Skill Development & Entrepreneurship
Department, Mantralaya, Mumbai-400032.
- 2) The Director of Vocational Education &
Training, 3 Mahapalika Marg, Mumbai.
- 3) The Joint Director of Vocational Education &
Training, Regional Office, Ghole Road,
Pune-411 005.
- 4) The Principal,
Industrial Training Institute,
Barshi Road, Solapur-413 411.
- 5) The Principal,
Industrial Training Institute,
Jalna, Dist. Jalna. **...RESPONDENTS**

APPEARANCE :Shri Shamsunder B. Patil, Counsel
for Applicant.

:Shri I.S.Thorat, Presenting Officer for
the respondents.

CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN

Decided on: 17-10-2023.

ORAL ORDER :

1. Heard Shri Shamsunder B. Patil, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer appearing for the respondent authorities.

2. The applicant has filed the present O.A. seeking interest on the delayed payment of the pension arrears as well as the retiral benefits. It is the contention of the applicant that he was entitled for pension w.e.f. 01-10-2015 as well as retiral benefits around the same period whereas the respondents have paid the aforesaid amounts by committing delay of more than two and half years, and as such, respondents are liable to pay interest to the applicant on the delayed payment of monetary benefits payable to the applicant.

3. Respondents have opposed the submissions. It is the contention on behalf of the respondents that the recovery was directed against the applicant and since the said amount was not deposited by the applicant no dues certificate was not liable to be issued in his favour and without the said certificate, his pension proposal was not

liable to be processed. According to the respondents the delay, if any, has occurred because of the delay committed by the applicant in depositing amount directed to be recovered from him.

4. It is not in dispute that the applicant has retired on 31-03-2015. Though several contentions are raised by both the parties and voluminous documents are filed on record, I need not to look into those documents as the only material aspect is the date of payment of retiral benefits to the applicant and the date on which the applicant became entitled to receive the interest on the said amounts.

5. Applicant deposited an amount of Rs.1,89,828/- on 13-06-2016. Though the learned P.O. submitted that the remaining amount of Rs.68,200/- was not deposited and therefore no objection certificate could not be issued in favour of the applicant, documents show that the applicant has thereafter deposited amount of Rs.68,200/-. It appears that if at all any delay had occurred in making the payment, it has to be reckoned from the date on which the applicant deposited amount of

Rs.1,89,828/- by accepting the responsibility of loss so caused to the respondents.

6. It need not be stated that there are specific provisions made in the Maharashtra Civil Services (Pension) Rules, 1982 and Payment of Gratuity Act, for payment of gratuity, pensionary benefits, etc. There are specific provisions prescribing the time limit for making payment of the retiral benefits. As per the said provisions period of delay has to be determined.

7. Though the applicant is claiming interest from the date of his retirement, there appears no case for accepting such request. It has come on record that the applicant was liable to deposit the amount which was determined towards losses which were incurred by the respondents for which the applicant was held responsible. Without deposit of the said amount the pension proposal was not liable to be processed. As noted above, the aforesaid amount came to be deposited in June, 2016. In the circumstances, by holding the said date as a starting point for making payment applicant has to be held entitled for interest from the expiry of the statutory period provided for making such payment till the date of actual payment.

8. In the affidavit in reply no such reasons are made out so as to absolve the respondents from liability of interest. In the circumstances, application deserves to be partly allowed. Hence, the following order:

ORDER

[i] Applicant is held entitled for the interest @ 8% per annum on the arrears of pension as well as other retiral benefits from 13-06-2016 onwards, excluding the time provided in the Rules/Acts for making such payment till the date on which actual payment was made in favour of the applicant.

[ii] Accordingly, the respondents shall calculate the amount of interest and remit the same in favour of the applicant within 4 months from the date of this order.

[iii] O.A. stands partly allowed in the aforesaid terms, however, without any order as to costs.

VICE CHAIRMAN

Place : Aurangabad
Date : 17.10.2023.