

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 212 / 2021 (S.B.)**

Bhagwan Pandurang Munghate,
Aged about 58 years, Occupation:-Retired Section Engineer,
R/o Shiwaji Nagar Ward No. 18,
Rampuri camp area, Gadchiroli.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principle Secretary,
Water Resource Department,
Mantralaya, Mumbai- 32.
- 2) The Superintendent Engineer,
Irrigation Project, Investigation Circle,
Nagpur, Sinchan Bhawan, Nagpur.
- 3) The Executive Engineer, Irrigation Project,
Investigation Division, Chandrapur.
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Respondents

Shri Bharat Kulkarni, Id. Advocate for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the Respondent nos. 1 & 2.

None for the R-3.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 04th April, 2022.

Judgment is pronounced on 08th April, 2022.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondent nos. 1 & 2. None for the R-3.

2. The applicant is aggrieved by inaction on the part of the respondents to release his retiral benefits within the stipulated time frame.

3. Case of the applicant is as follows. The applicant was to retire on superannuation 31.10.2020. On 12.10.2020 he submitted application (A-2) for encashment of earned leave of 300 days, and payment of amount of G.I.S.. On 31.10.2020 he stood retired (A-1). On 18.01.2021 he submitted application (A-3) to respondent no. 1 to issue certificate that no enquiry was pending or contemplated against him so as to forward his pension case to the office of Accountant General. The respondents, by being lax acted contrary to G.R. dated 09.09.2019 (A-4) which stipulates that retiral benefits should be paid to the Government employees strictly as per Rules 118 to 125 of the Maharashtra Civil Services (Pension) Rules, 1982. Hence this application seeking direction to the respondents to release retiral benefits of the applicant with interest.

4. Reply of respondent nos. 2 & 3 is at pages 16 to 23. They have contended as follows-

(A) Process of refixation of pay of the applicant as per 7th pay commission is being undertaken.

(B) Earned Leave application for the period from 16.12.2019 to 10.01.2020 moved by the applicant was rejected.

(C) His medical leave for the period from 23.12.2019 to 30.01.2020 was, however, sanctioned.

(D) On 24.09.2020 pension papers of the applicant were forwarded to the pay fixation unit along with his service book.

(E) Respondent no. 3 is yet to receive the verification from the Unit.

(F) On 07.09.2020 Accountant General has sanctioned P.F. amount of Rs. 28,12,551/- to the applicant. On 25.01.2021 said amount has been credited to the account of the applicant.

(G) Service book of the applicant is yet to be received from the office of Pay Verification Unit because of which remaining amount of retiral benefits could not be paid to the applicant.

(H) Unless pay fixation is made and verified the case cannot be forwarded to the A.G..

(I) Provisional pension has been sanctioned to the applicant vide order dated 19.08.2021 (A-R-4).

5. By filing a rejoinder the applicant has stressed that there has been inordinate delay in making payment of retiral benefits to him and hence these benefits be directed to be paid with interest.

6. It is not in dispute that the applicant retired on superannuation on 31.10.2020. It is also not in dispute that no D.E. was pending against him at the time of his retirement. It is a matter of record that the applicant is yet to get his retiral benefits. There is nothing on

record to show that the applicant contributed in any way to the delay in receiving these payments. Maintenance of service book of the applicant was the responsibility of his employer/ office. In this factual backdrop following order shall meet the ends of justice.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to release the pension of the applicant **within three months** from the date of this order with interest for delayed payment as per Rules 129 A and 129 B of the Maharashtra Civil Services (Pension) Rules, 1982.
3. No order as to costs.

(Shri M.A.Lovekar)
Member (J)

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

Name of Steno : Akhilesh Parasnath Srivastava.

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

Judgment signed on : 08/04/2022.
and pronounced on

Uploaded on : 11/04/2022.