

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 31/2020 (S.B.)

Shaukat Ali Shamshuddin Sorathiya,
Aged about 61 years, Occ. Retired,
Range Forest Officer, Mobile Squad No. 1,
Gondia, R/o Ravishankar Ward,
Civil Lines, Near Madhur Courier,
Gondia-441 601.

Applicant.

Versus

- 1) State of Maharashtra,
Through the Secretary,
Forest Department,
Mantralaya, Mumbai-32.
- 2) Chief Conservator of Forest (Territorial),
Nagpur Forest Circle,
Nagpur.
- 3) Dy. Conservator of Forest,
Gondia Forest Division,
Gondia, Jaisthamba Chowk,
Near Panchayat Samiti.
- 4) Accountant General (A&E)-II,
Maharashtra, Nagpur-440 001.

Respondents

Shri P.V.Thakre, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 01.08.2023.

JUDGEMENT

Heard Shri P.V.Thakre, Id. counsel for the applicant and Shri
A.M.Khadatkar, Id. P.O. for the Respondents.

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

Applicant was appointed on the post of Forest Guard on 31.10.1981. He was promoted and ultimately retired on superannuation from the post of Range Forest Officer, Gondia on 30.06.2017. The respondent no. 3 issued communication dated 10.08.2017 directing the Treasury Officer, Gondia to sanction provisional pension for the period from 01.07.2017 to 31.12.2017. Further provisional pension was paid from 31.12.2017 to 01.07.2018. Thereafter, respondents stopped paying pension. Applicant made application to respondent no. 2 for grant of interest towards the delayed payment, but respondents have not paid pension. In the year 2019, respondent nos. 2 & 3 forwarded the pension papers. Respondent no. 4 issued Pension Payment Order (P.P.O.) on 20.02.2019. Thereafter, applicant has received amount of gratuity and pension. It is submitted that respondents are responsible for delay. Hence, applicant is entitled for interest.

3. The O.A. is strongly opposed by the respondents. Respondents 2 & 3 have submitted that provisional pension was paid to the applicant from 01.07.2017 to 31.12.2017 and thereafter 01.01.2018 to 30.06.2018. Applicant was directed to submit Medical Certificate, letter was issued to applicant on 17.12.2019 addressing Medical Board, Government College, Nagpur for Medical Examination. The applicant did not appear for the Medical Board Examination. Subsequently,

respondent no. 3 issued reminder on 16.01.2020 and applicant appeared before the Medical Board. After the receipt of Medical Board Certificate dated 07.02.2020, the pension papers were forwarded. It is submitted that due to official difficulties such as Pay Verification Unit etc there was some delay and the delay was not intentional. Hence, O.A. is liable to be dismissed.

4. The respondent no. 4 has filed reply and submitted that the pension papers were forwarded by respondents on 21.01.2019 and within one month from the date of receipt of proposal, Pension Payment Order (P.P.O.) was issued on 20.02.2019. Respondent no. 4 was not at fault it was for respondents 2 & 3 to forward the pension papers within time, therefore, no case is made out for respondent no. 4.

5. There is no dispute that pension papers were submitted by respondents 2 & 3 on 21.01.2019 and within one month respondent no. 4 sanctioned the pension and other benefits. Till 20.02.2019 the respondents have not taken any efforts to forward papers. As per the rules and guidelines of the Government, the H.O.D. has to forward the pension papers well in advance before the retirement. Instead of granting regular pension, the respondent no. 3 has issued the provisional pension. The reason stated in reply that applicant was directed to appear before the Medical Board is not proper. The said letter was issued by the respondents 2 & 3 after the retirement of applicant. The applicant was

retired on 31.12.2017. The letter was issued to the applicant and Medical Board on 17.12.2019. This appears that the respondents 2 & 3 are responsible for delay for paying pension, gratuity etc.

6. Shri P.V.Thakre, Id. Counsel for the applicant pointed out decision of this Tribunal in O.A. No. 755/2022. Hon'ble Supreme Court in the case of **State of U.P. and & Ors. Vs. Dhirendra Pal Singh, (2017) 1 SCC (L&S) 79** has held as under:-

“Pension and gratuity are not any bounty to be distributed by Government to its employees on retirement but are valuable rights in their hands, and any culpable delay in disbursement thereof must be visited with penalty of payment of interest. Further held, in absence of any plea that delay in payment of retiral dues was due to employee's fault and employer had obtained permission in writing from controlling authority in terms of Section 7(3-A), Payment of Gratuity Act, 1972, appellants liable to pay interest @ 6% p.a. on unpaid pension amount from date it had fallen due and interest @ 8% p.a. on unpaid amount of gratuity from date of retirement of employee till the actual payment.”

7. It is clear that respondents 2 & 3 have not forwarded the pension papers within time. It is the right of applicant to get pension and pensionary benefits immediately after the retirement.
8. In view of the Judgment of Hon'ble Supreme Court, the applicant is entitled for interest. Hence, the following order:-

O R D E R

- A. The O.A. is allowed.
- B. Respondents are directed to pay interest @ 7 per annum from the date of retirement till actual payment of the pension and retiral benefits (amount of gratuity).
- C. Respondents are further directed to calculate the amount of interest and shall pay within a period of **three months from the date of receipt of this order.**
- D. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 01/08/2023.
aps

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 Vice Chairman.

Judgment signed on : 01/08/2023.
and pronounced on

Uploaded on : 02/08/2023.