

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 412/2022 (S.B.)**

Dr. Swati W/o Ravindra Patil,  
Aged about 55 years, Occ. Retired,  
R/o Jail Road, Civil Lines, Wardha.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Principal Secretary,  
Public Health Department,  
G.T. Hospital Campus Building,  
10<sup>th</sup> Floor, New Mantralaya,  
Fort, Mumbai-400 001.
  
- 2) Deputy Director of Health Services,  
Nagpur Region, Mata Kacheri Compound,  
Shradhanand Peth,  
Nagpur-440 022.
  
- 3) Civil Surgeon,  
General Hospital,  
Wardha-442 001.

**Respondents**

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**Shri N.D.Thombre, Id. Advocate for the applicant.**

**Shri H.K.Pande, Id. P.O. for the Respondents.**

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**Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated :- 31.07.2023.**

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### **JUDGMENT**

Heard Shri N.D.Thombre, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

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

The applicant was working as a Medical Officer. She had completed 20 years of service. After completion of 20 years of qualifying service she has submitted her voluntary retirement application to the respondents. The said V.R.S. application was not accepted/refused it was kept pending. Therefore, applicant approached to this Tribunal by filing O.A. No. 752/2019. This Tribunal on 19.11.2020 allowed the said O.A. and directed the respondents to release all the retiral benefits to the applicant within a period of three months. It was held that as per Rule 66 (2) of the Maharashtra Civil Services (Pension) Rules, 1982; there is a provision of deemed date of acceptance if the voluntary retirement application is not accepted/refused within a period of 90 days. Therefore, this Tribunal has directed the respondents to pay all the retiral benefits to the applicant but that order was not complied. Hence, the applicant filed contempt petition before this Tribunal. This Tribunal has passed order in the contempt petition on 09.08.2021, directing the

respondents to pay retiral benefits as per order dated 05.07.2021 within a period of three months but it appears that it was also not complied within time. Thereafter, respondents have paid retiral benefits in the month of August, September, October, November and December, 2021.

3. Ld. Counsel for the applicant has pointed out judgment of **Hon'ble Supreme Court in Civil Appeal No. 1698 of 2022 in Dr.A.Selvaraj Vs. C.B.M.College & Ors..**

4. **Hon'ble Supreme Court in the case of State of U.P. and Ors. Vs. Dhirendra Pal Singh (2017) 1 SCC 49** 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.”*

5. In para no. 6 of the judgment Hon'ble Supreme Court has held that when there is neither any departmental enquiry nor any misconduct against the applicant, then he is entitled for interest. In the present case nothing is on record to show that there was any departmental enquiry against the applicant. The applicant had filed voluntary retirement application on 15.02.2018 and it was to be accepted or rejected before 15.05.2018 but the said application was not decided by the respondent no. 1. Therefore, as per the Rule 66 of the Maharashtra Civil Services (Pension) Rules, 1982 it is deemed to be accepted. Relying on Rule 66, this Tribunal has directed the respondents to pay all the retiral benefits within three months as per order dated 19.11.2020. Thereafter also the respondents have not paid the retiral benefits till 2021.

6. The applicant was compelled to file contempt petition. After order of contempt petition dated 09.08.2021, the respondents have complied the same. The retiral benefits have paid in the month of August, September, October, November and December, 2021. Hence, the applicant is entitled for interest on retiral benefits. Therefore, following order is passed:-

## O R D E R

- A. The O.A. is allowed.
- B. The respondents are directed to pay interest @6% per annum on unpaid pension amount from the date of retirement and interest @8% per annum on unpaid amount of gratuity from the date of retirement of the employee till the actual payment.
- C. Respondents are directed to calculate the amount of interest **within a period of three months** and pay the same to the applicant.
- D. No order as to costs.

**(Shri Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated :- 31/07/2023.**  
**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 : 31/07/2023.  
and pronounced on

Uploaded on : 01/08/2023.