

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 755/ 2022 (S.B.)

Manohar S/o Bhimrao Kapse,
Aged about 60 years, Occupation : Retired,
R/o Plot No. 13, Behind Bank of India,
Arjun Nagar, At Post Taluka Mouda,
District - Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Principal Secretary,
Department of Water Resources,
Mantralaya, Mumbai- 32.
- 2) Superintending Engineer,
Irrigation Project Investigation Board,
Sinchan Bhavan, Third Floor,
Civil Lines, Nagpur-400 001.
- 3) Executive Engineer,
Irrigation and Hydro Electric Project,
Investigation Division,
Wainganga Nagar, Ajni,
Nagpur-440 003.

Respondents

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

Shri S.A.Sainis, Id. P.O. for the Respondents 1 & 2.

Shri T.M.Zaheer, Id. Counsel for the respondent no. 3.

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

Dated :- 13.07.2023.

JUDGEMENT

Heard Shri R.M.Fating, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the Respondents 1 & 2 and Shri T.M.Zaheer, Id. Counsel for the respondent no. 3.

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

The applicant was appointed on the post of 'Technical Assistant'. Subsequently, he has been absorbed on the post of 'Civil Engineering Assistant'. He worked on the said post continuously till his retirement. On 31.07.2019, upon completion of age of superannuation he came to be retired. There was no any departmental enquiry was pending or initiated against him at the time of retirement. Applicant was fully entitled to get regular pension and entire retiral benefits. On 22.09.2020 and 15.10.2020, applicant made representation before the respondent no. 3 to grant pension and pensionary benefits.

3. Respondents have paid retiral benefits on 30.08.2021. The delay was intentionally caused by the respondents for not paying the regular pension and pensionary benefits within time. Therefore, respondents are liable to pay interest. Hence, applicant filed present O.A. for direction to the respondents to pay the interest.

4. O.A. is opposed by respondents 2 & 3 by filing reply on affidavit. It is submitted that the pension case was submitted to the Pay Verification Unit. It was returned and after compliance it was submitted

on 19.08.2019. In para 7, it is submitted that because of the unprecedented Covid - 19 situation in the country, the department was not working with full strength. Hence, there occur some delay in releasing the pensionary benefits to the applicant. In short, the submission of respondents that they are not at fault for delay in payment of pension and pensionary benefits.

5. There is no dispute that applicant came to be retired from 31.07.2019. There is also no dispute that the respondents have paid amount of G.P.F. from 12.02.2020, G.I.S. from 15.02.2020 and Gratuity from 18.01.2021. The last amount was paid on 27.05.2021. Therefore, it is clear that there was delay on the part of respondents to pay amount of pension and pensionary benefits.

6. Hon'ble Supreme Court in the case of **State of Uttar Pradesh & Ors. Vs. Dhirendra Pal Singh, (2017) 1 SCC (L&S) 79** has held that *"Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on the retirement but are valuable rights in their hands, and any culpable delay in disbursement thereof must be visited with the penalty of payment of interest."*

7. There is no dispute that the respondents have not paid pensionary benefits within time. As per the submission of respondents there was delay caused due to pandemic Covid-19. It is pertinent to note

that due to pandemic Government office was not closed. It was the duty of the department to submit pension papers within six months before retirement. The applicant was retired on 31.07.2019, that time there was no pandemic. In our country, pandemic situation started in the month of February/March-2020. Therefore, it appears that the claim of the respondents regarding delay on the ground of Pandemic situation cannot be a ground. As per the Judgement of Hon'ble Supreme Court, if there is any delay for payment of pension and pensionary benefits then the retired employee is entitled to get interest. Hence, the following order:-

- A. O.A. is allowed.
- B. Respondents are directed to pay interest @ 7% from the date of retirement till actual payment of the pension and pensionary benefits.
- C. Respondents are directed to calculate the amount of interest and shall pay the same 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 :- 13/07/2023.
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 : 13/07/2023.
and pronounced on

Uploaded on : 14/07/2023.