

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 294/2018 (S.B.)

1. Pradeep s/o Ramchandra Lokhande,
Aged about years, Occu : Retired Pharmacist,
R/o Gulmohar Society,
Arni Road Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Vocational Education,
Higher & Technical Education,
Mantralaya, Mumbai -32.
2. The Director,
Vocational Education & Training
(M.S.), 3, Mahapalika Marg, Mumbai.
3. The Deputy Director,
Vocational Education & Training,
Regional Office, Morshi Road,
Amravati.
4. The Principal,
Govt. Industrial Training Institute,
Yavatmal.

Respondents

Shri P.V.Thakre, Ld. counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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

Dated: - 24th November 2022.

JUDGMENT

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

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

The applicant was appointed as a Pharmacist on 14.11.1984. The applicant had completed 12 years continuance service on 14.11.1996. The time bound promotional pay scale was granted to him in the pay scale of 5500-175-9000. Pay fixation was made considering the time bound promotion as per order dated 23.11.2004 the pay scale of 5500-9000. As per order dated 23.11.2004 the pay scale of Rs.5500-9000 is modified as Rs.5000-8000. Therefore, the applicant approached to this Tribunal by filing O.A.127/2009 this Tribunal passed the following order.

The order dtd.23/11/2004 is quashed and set aside. Consequently, the order dtd. 10/1/2003 is upheld.

a) It is held on completion of 12 years of service on 14/11/1996, the applicant is entitled to the time bound promotional pay scale of Rs.5500-9000 with all consequential benefits.

b) It is further directed that if any recovery has been made from the applicant consequent to the order dtd.23/11/2004, it will be refunded to him.

c) Action as above, will be taken within 4 months from the date of receipt of this order.

d) No order as to costs.

3. After passing the order the applicant made representation to the respondents. But the order was not complied. The applicant sustained serious injuries and therefore, he was compelled to take voluntary retirement on 21.01.2005. It is submitted that without any fault on the part of the applicant the respondents wrongly fix the pay in the pay scale of Rs.5000-8000. Therefore, he was compelled to approach this Tribunal even after passing of the order the respondents have not paid the amount within time. Therefore, the applicant claimed interest at the rate of Rs.12% on the balance amount of Rs.83,516/-.

4. The O.A. is strongly opposed. It is submitted that after passing the order by this Tribunal. The bill was prepared but there was no sufficient grant. Therefore, there was delay. There is no delay on the part of respondent. Hence, the O.A. is liable to be dismissed.
5. Heard Advocate Shri P.V.Thakre. He has submitted that the applicant was not at fault. Hence, he is entitled for interest. On the other hand P.O. Shri A.M.Khadatkar submits that the applicant is not entitled for interest. The applicant is a retired person due to the fault on the respondent the wrong fixation was made of Rs.5000-8000 instead of Rs.5500-9000. Therefore, the applicant was compelled to approach this Tribunal. This Tribunal has passed the specific order directing the respondents to fix the pay of the applicant in the pay scale of Rs.5500-9000 with all consequential benefits i.e. from 14.11.1996. This order was passed by the Tribunal on 14.08.2015. After passing the order there is considerable delay on the part of the respondents. First of all the respondents have wrongly fixed the pay and therefore the applicant was compelled to approach this Tribunal. It was not fault on the part of the respondents for fixation of wrong pay.

6. The applicant is entitled for interest as per the provisions of Rules 129(A) and 129(B) of MCS of (Pension Rules), 1982. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to pay interest as per provision of Rule 129 (A) and 129 (B) of MCS of (Pension Rules), 1982 within a period of three months from the date of receipt of this order.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 24/11/2022

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 24/11/2022.
Uploaded on : 02/12/2022.