

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 350/2022(S.B.)**

Prakash Tulshiram Nagdeve  
Aged 60 years Occ. : Retired,  
R/o F-16, Parvati Complex,  
Near Padole Hospital, Swalambi Nagar Square,  
Ring Road, Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Medical Education and Drugs Department,  
9<sup>th</sup> Floor, GT Hospital Campus Building,  
New Mantralaya, Fort, Mumbai-01.
- 2) Commissioner of Medical Education and Research,  
4<sup>th</sup> Floor, Dental College Building,  
St.Georges Hospital Compound,  
CST, Mumbai-01.
- 3) Dean,  
Indira Gandhi Government Medical College,  
Central Avenue, Nagpur.

**Respondents**

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Shri N.D.Thombre, Ld. Counsel for the applicants.  
Shri M.I.Khan, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**  
**Dated: - 17<sup>th</sup> July 2023.**

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**JUDGMENT**

**Judgment is reserved on 10<sup>th</sup> July, 2023.**

**Judgment is pronounced on 17<sup>th</sup> July, 2023.**

Heard Shri N.D.Thombre, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the respondents.

2. The applicant retired on superannuation on 31.08.2020. He did not receive amount of retiral benefits in time. He was constrained to make representations (Annexure A-3, collectively). In letter dated 11.10.2021 (Annexure A-4) respondent no.3 conceded that there was delay in paying retiral benefits. Though, the applicant's application for commutation of pension was filed within the period of one year and hence it could have been sanctioned without medical examination as per the M.C.S. (Commutation of Pension) Rules, the applicant was asked to undergo medical examination which added to the delay in releasing the amount.

3. It is the contention of the applicant that interest on account of delay in making payment as falls may be directed to be paid-

- i) Interest on GIS from 1/9/2020 to 15/10/2020.***
- ii) Leave encashment from 16/9/2020 to 4/10/2021.***
- iii) Gratuity from 1/12/2020 to 23/12/2021.***

- iv) Interest on arrears of Assured Progressive Scheme (30 years) from 1 September to till realisation.**
- v) Interest on arrears of 7th pay commission 2nd installment from 1st October 2021 to 4/2/2022.**
- vi) Interest on arrears of pension from 1/3/2021 to till payment 21/3/2022**
- vii) Assured benefit of Third Progressive Scheme arrears received on 21/3/2022.**
- viii) Interest on G.P.F.**

4. Further contention of the applicant is that he is entitled to get interest at the rate of 12% per annum, compensation of Rs.1,000,00/- and costs of Rs.40,000/-. Hence, this O.A..

5. Stand of respondent no.3 is as follows.

***The service book of the Applicant was sent for pay verification to service book verification office on dt.15.10.2020 and received back to I.G.G.M.C. in August, 2021, after repeated reminders dt.13.1.2021. 28.1.2021. 26.7.2021. Then his service book was forwarded to A.G. Office on 6.9.2021 for approval. Due to the COVID-19 pandemic lockdown and restricted staff at service book verification office and A.G. Office, there was delay in processing some pensionary benefits like commutation of pension. The Audit and Accounts Department directed Dean. Indira Gandhi Govt. Medical College, Nagpur by letter dt.***

***1.3.2022 to submit medical examination certificate in order to process commutation of pension.***

6. From reply of respondent no.3 it becomes clear that there is no dispute about belated payment of retiral benefits.

7. It was submitted by Shri Khan, learned P.O. for the respondents that considering Covid-19 pandemic the Hon'ble Supreme Court had extended limitation and in that view of the matter the applicant cannot be allowed to claim interest on account of delay which was largely attributable to the pandemic. It may be observed that limitation was extended as above so as to ensure that legal remedy of litigants was not lost.

8. The applicant has relied on Judgment of the Hon'ble Supreme Court dated 04.03.2022 in Civil Appeal No.1698 of 2022. In this case it is held-

***we are of the opinion that as there was a delay in making the payment of retirement benefits and settling the dues for which the appellant employee is not at all responsible, he is entitled to the interest on the delayed payment.***

9. Having regard to the aforestated factual and legal position the O.A. deserves to be allowed. Hence, the order.

**ORDER**

The O.A. is allowed in the following terms.

The respondents are directed to calculate extent of delay and pay interest on account of belated payment of various items of retiral benefits to the applicant, as provided under Rules 129-A / 129-B of the M.C.S. (Pension) Rules, 1982 – within three months from today. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 17/07/2023  
rsm.

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 Member (J).  
Judgment signed on : 17/07/2023.  
and pronounced on