

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 351/2022 (S.B.)

Shri Suresh Govindrao Shende,
Aged about 60 years,
Occ. Retired Circle Officer,
R/o Behind Matoshree Vidhyalaya,
Wankhede Wadi, Tukum, Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Ministry of Revenue,
Mantralaya, Mumbai – 32.
- 2) District Collector, Chandrapur,
Collector Office, Chandrapur.

Respondents

Shri A.A.Mankar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 31th March 2023.

With

ORIGINAL APPLICATION NO. 352/2022 (S.B.)

Shri Suresh Govindrao Shende,
Aged about 60 years,
Occ. Retired Circle Officer,
R/o Behind Matoshree Vidhyalaya,
Wankhede Wadi, Tukum, Chandrapur.

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- 1) State of Maharashtra,
Through its Secretary,
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Respondents

Shri A.A.Mankar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).
Dated: - 31th March 2023.

With

ORIGINAL APPLICATION NO. 353/2022 (S.B.)

Shri Suresh Govindrao Shende,
Aged about 60 years,
Occ. Retired Circle Officer,
R/o Behind Matoshree Vidhyalaya,
Wankhede Wadi, Tukum, Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Ministry of Revenue,
Mantralaya, Mumbai – 32.
- 2) District Collector, Chandrapur,
Collector Office, Chandrapur.

Respondents

Shri A.A.Mankar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 31th March 2023.

With

ORIGINAL APPLICATION NO. 354/2022 (S.B.)

Shri Suresh Govindrao Shende,
Aged about 60 years,
Occ. Retired Circle Officer,
R/o Behind Matoshree Vidhyalaya,
Wankhede Wadi, Tukum, Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Ministry of Revenue,
Mantralaya, Mumbai – 32.
- 2) District Collector, Chandrapur,
Collector Office, Chandrapur.

Respondents

Shri A.A.Mankar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri M.A.Lovekar, Member (J).

Dated: - 31th March 2023.

COMMON JUDGMENT

Judgment is reserved on 24th March, 2023.

Judgment is pronounced on 31th March, 2023.

Heard Shri A.A.Mankar, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the respondents.

2. In this batch of four original applications common issue is payment of interest on delayed payment. Hence, these O.As. are being decided by this common judgment.

3. The applicant was holding the post of Circle Officer. He retired on superannuation on 31.10.2017.

4. In O.A.No.351/2022 the applicant has contended that arrears of increment due on 01.04.2004 and 01.04.2005 were not paid to him. Therefore, he filed O.A.No.216/2016. During the pendency of said O.A. arrears of these increments were paid to him. Since the payment was made belatedly, issue of interest remained which was kept open while disposing of O.A.No.216/2016. The applicant made representations (Annexures A-2 & A-3) but to no avail. Interest for delayed payment be directed to be paid as per statement of pay and allowances (Annexure A-4).

5. In O.A.No.352/2022 the applicant has contended that he had not received amount of house rent allowance for the period 06.08.2002 to 31.05.2005. Therefore, he filed O.A.No.416/2016. During the pendency of said O.A. he was paid arrears of house rent allowance. Since these

arrears were paid belatedly, while disposing of the O.A. issue of interest was kept open. The applicant made representations (Annexures A-2 & A-3) but to no avail. Interest on delayed payment be directed to be paid as per statement (Annexure A-4).

6. In O.A.No.353/2022 the applicant has contended that he was held entitled to second A.C.P. w.e.f. 15.04.2010 but benefits were actually released in May 2017. For grant of interest on account of delayed release of these benefits he made representations (Annexures A-4 & A-5) but to no avail. On account of delayed release of benefits the respondents be directed to pay interest as per statement (Annexure A-6). In this O.A. the applicant has alternatively prayed for directing respondent no.2 to decide his pending representations dated 16.04.2018 and 11.10.2019 within the time to be stipulated by this Tribunal.

7. In O.A.No.354/2022 the applicant has contended that arrears of annual increments due in 2009, 2011, 2012 & 2013 were paid to him belatedly i.e. in April 2017. He filed O.A.No.642/2015 in which the respondents were directed to update his service book before 31.08.2016 (Annexure A-1). He made representations (Annexures A-2 & A-3) for payment of interest but to no avail. Interest be directed to be paid on

account of delayed payment of arrears of increments, as per statement (Annexure A-4).

8. Respondent no.2 has opposed these original applications on the ground that there is no enabling provision in M.C.S.R. to pay interest on account of delayed payment of arrears of increments, arrears of H.R.A. or on account of belated release of benefits of A.C.P. Respondent no.2 has further averred that G.R. dated 24.04.1995 provides for grant of interest only on account of delayed payment of pension, family pension and gratuity.

9. The applicant, on the other hand, has relied on G.R. dated 22.11.1994. This G.R. specifically provides for grant of interest on account of delayed payment of salary, dearness allowance, other allowances, annual increments and advance increments.

10. G.R. dated 22.11.1994 empowers the concerned Administrative Section to fix rate of interest as well as duration for which interest is to be paid on account of delayed payment of salary, allowances, etc. This G.R. further states that the powers vested in the concerned for calculation and award of interest shall not be delegated.

11. So far as O.A.Nos.351, 352 and 354/2022 are concerned, it is apparent that the respondents will have to be directed to pay interest to the applicant on account of delayed payment.

12. Now the question of rate of interest remains. On this point, the applicant has relied on **Padma Manwani Vs. State of Maharashtra and Others 2015(4) Mh.L.J.]175** in this case Hon'ble Bombay High Court directed payment of interest at the rate of 9% per annum on account of delayed payment of salary.

The applicant has further relied on **State of Andhra Pradesh and Another Vs. Dinavahi Lakshmi Kameswari (2021) 11 Supreme Court Cases 543** in this case interest awarded by the High Court at the rate of 12% per annum was scaled down by the Hon'ble Supreme Court to 6% per annum. It was observed that payment of interest cannot be used as a means to penalise the State Government. In this case, while fixing rate of interest *inter alia* prevalence of Covid-19 pandemic was taken into account.

13. In view of the guidelines given by the Hon'ble Supreme Court it would be proper to direct the respondents to pay interest at the rate of 6% per annum so far as claim in O.A.Nos.351/2022, 352/2022 and 354/2022 is concerned. So far as O.A.No.353/2022 is concerned, it

would be appropriate to grant relief claimed in the alternative i.e. direction to respondent no.2 to decide pending representations of the applicant. Hence, the order.

ORDER

1. O.A.Nos.351/2022, 352/2022 & 354/2022 are allowed in the following terms-

In these O.As.the applicant is held entitled to interest on account of delayed payment of arrears at the rate of 6% per annum from the date when payment became due till the date on which payment is made. The payment shall be made within two months from the date of receipt of this order.

2. O.A.No.353/2022 is allowed in the following terms-

Respondent no.2 is directed to decide representations dated 16.04.2018 and 11.10.2019 (Annexures A-4 & A-5) within two months from the date of receipt of this order.

3. No order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 31/03/2023
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 : 31/03/2023.
and pronounced on