

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.401/2023(S.B.)**

Madhao S/o Dinanath Borkhade,  
Aged 60, R/o House No.1,  
Ghanashyam Nagar, Saturda,  
Badnera Road, Amravati 444 607.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Principal Secretary,  
Women & Child Development Department,  
New Administrative Building,  
3rd Floor, Mantralaya, Mumbai, 32.
- 2) The Commissioner,  
Women & Child Development Department,  
PUNE-01 28, Ranicha Bag,  
Near old Circuit House, PUNE-411 001.

**Respondents**

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Shri B.Kulkarni, Ld. Counsel for the applicant.  
Shri H.K.Pande, Ld. P.O. for the respondents.

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

**Dated: - 14<sup>th</sup> February, 2024.**

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**JUDGMENT**

**Judgment is reserved on 09<sup>th</sup> February, 2024.**

**Judgment is pronounced on 14<sup>th</sup> February, 2024.**

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri H.K.Pande, learned P.O. for the respondents.

2. The applicant retired on superannuation on 28.02.2021. Amount of his gratuity and regular pension were withheld. He filed O.A.No.597/2022 before this Bench. It was allowed by Judgment dated 28.03.2023 and the respondents were directed to release gratuity and regular pension to the applicant within one month from the date of the Judgment. While passing this Judgment issue of interest was kept open. In this background the applicant has filed instant O.A.. He has pressed only prayer [A] which seeks direction to pay interest on delayed payment of gratuity.

3. In their reply respondents 1 and 2 have pleaded that in view of pendency of departmental enquiry gratuity was withheld as per rules. However, by order dated 10.05.2023 A.G., Mumbai sanctioned payment of gratuity. Said order of A.G., Mumbai was received by respondent no.2 on 23.05.2003. Before approaching this Tribunal for grant of interest on delayed payment of gratuity the applicant ought to have filed an application under Rule 129-A(2) of the M.C.S. (Pension) Rules, 1982.

4. In the instant case ends of justice would be met by directing the respondents to pay interest on delayed payment of gratuity as per Rule 129-A of the M.C.S.(Pension), Rules. Hence, the order.

**ORDER**

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

The respondents are directed to calculate extent of delay in paying amount of gratuity, and pay interest for delayed payment as per Rule 129-A of the M.C.S. (Pension) Rules, 1982 to the applicant within two months from today. No order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 14/02/2024  
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 : 14/02/2024.  
and pronounced on  
Uploaded on : 15/02/2024.