

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.786/2020(S.B.)

1. Tukaram Gangaram Satimeshram,
age: 60 yrs. Occ: Retired,
R/o: Post: Bhagadi, Tah: Lakhandur,
Dist: Bhandara.

2. Siddharth Surajbhan Sukhdeve,
age: 62 yrs, Occ: Retired,
R/o Arjuni (Mor) Dist: Gondiya.

3. Maroti Damodar Kharkate,
age: 63 yrs, Occ: Retired,
R/o Lakhandur, Dist: Bhandara – 441803.

4. Maroti Sadhu Kulmathe,
age 63 yrs, Occ: Retired,
R/o Arjuni (Mor) Dist: Gondiya.

5. Tularam Ramsingh Chawan,
age 73 Yrs, Occ: Retired,
R/o Navegaon Bandh,
Tah: Arjuni (Mor) Dist: Gondiya.

6. Baburao Bandu Kamble,
age: 69 Yrs, Occ: Retired,

R/o Kanhalgaon, P.O. Vadegaon Rly, Arjuni,
Dist: Gondiya.

7. Namdeo Adkoo Kumbhare,
age: 65 Yrs, Occ: Retired,
R/o Indora, P.O. Soni, Tah: Lakhandur,
Dist: Gondiya.
8. Nanaji Deorao Korche,
age: 61 Yrs, Occ: Retired,
R/o Lakhandur, Dist: Gondiya.
9. Anil Anandrao Ramteke,
age: 57 Yrs, Occ: Service,
R/o Gothangaon, Ward No.3, Arjuni,
Dist: Gondiya.
10. Vidvan Rajaram Raut,
Aged 48 Occ. Private.
R/O Wadgaon Arjuni,
Dist. Gondia -LR of Rajalam Basin Raut.
11. Anusaya Shivcharan Khobragade,
Age: 64 Yrs, Occ.: Household,
R/o Indora, Dist: Bhandara, LR- Shivchacam
Jangluji Khobragade.
12. Radhika Kisan Deshmukh,

age: 62, Occ: Household,
R/o Soni, Chapral, Dist: Bhandara
LR Kisan Motiram Deshmukh.

13. Vacchala W/o Madhular Deskhmukh,
Aged 52, Occ.: Household,
R/o Soni, Chapral Dist.: Bhandara,
LR Madhukar L. Deshmukh.

14. Dinesh Nilkanth Dongarwar,
age 32 Yrs, Occ: Private,
R/o Bondgaon, Ward No. 2 Arjuni Moregaon,
Navegaon Bandh, Dist: Gondiya,
LR Nilkanth L. Dongarwar.

Applicants.

Versus

- 1) State of Maharashtra,
Through Secretary,
Water Resources Department,
Mantralaya, Fort Mumbai.
- 2) Chief Secretary,
Ministry of Water Resources,
Mantralaya, Fort Mumbai.
- 3) Chief Engineer,
Irrigation Department, Sinchan Bhavan,
old Secretariat building Civil Lines, Nagpur.

4) Superintendent Engineer,
Bhandara Irrigation Circle, Bhandara,
(Girola Pahadi), Bhandara - 441924.

5) Executive Engineer,
Etyadoh Irrigation Project,
Opp: Subhash Garden, Gondiya.

Respondents

Ms.R.N.Gaikwad, Ld. Counsel for the applicants.
Shri M.I.Khan, Ld. P.O. for the respondents 1 and 2.
Shri T.M.Zaheer, Ld. Counsel for the respondents 3 to 5.

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

Dated: - 12th March, 2024.

JUDGMENT

Judgment is reserved on 5th March, 2024.

Judgment is pronounced on 12th March, 2024.

Heard Ms.R.N.Gaikwad, learned counsel for the applicants,
Shri M.I.Khan, learned P.O. for the respondents 1 and 2 and Shri
T.M.Zaheer, learned counsel for the respondents 3 to 5.

2. Case of the applicants is as follows. The applicants were appointed as Labourer, subsequently benefits of permanency were given to them, difference amount of wages was to be paid to them as per schedule fixed by G.R. dated 04.09.2016 (Annexure - 6) but the respondents did not stick to this schedule and made payments belatedly

as shown in the following table. Hence, this O.A. claiming interest on account of delayed payment-

Sr. No.	Name of Employee	Post and Date of Appointment	Post and Date of Permanency	Arrears of Wages from Date of Permanency to Aug 2000	Date on which payment was due	Date on which payment was made	Extent of Delay
1.	Tukaram Gangaram Satimeshram	Labour 09.11.1990	Labour 09.11.1995	Rs.81,905/-	June 2006-2007	03.06.2022	16 Years
2.	Siddharth Surajbhan Sukhdeve	Labour 28.10.1993	Labour 28.10.1998	Rs.34,805/-	June 2006-2007	03.06.2022	16 Years
3.	Maroti Damodar Kharkate	Labour 25.10.1993	Labour 25.10.1998	Rs.34,440/-	June 2006-2007	03.06.2022	16 Years
4.	Maroti Sadhu Kulmathe	Labour 28.10.1993	Labour 28.10.1998	Rs.38,297/-	June 2006-2007	03.06.2022	16 Years
5.	Tularam Ramsingh Chawhan	Labour 09.11.1990	Labour 09.11.1995	Rs.81,622/-	June 2006-2007	13.07.2022	16 Years 01 Month
6.	Baburao Bhadu Kamble	Labour 28.10.1993	Labour 28.10.1998	Rs.34,788/-	June 2006-2007	03.06.2022	16 Years
7.	Namdeo Adkoo Kumbhare	Labour 28.10.1993	Labour 28.10.1998	Rs.34,555/-	June 2006-2007	03.06.2022	16 Years
8.	Nanaji Deorao Korche	Labour 28.10.1993	Labour 28.10.1998	Rs.34,943/-	June 2006-2007	13.07.2022	16 Years 01 Month
9.	Anil Anandrao Ramteke	Labour 28.10.1993	Labour 28.10.1998	Rs.81,622/-	June 2006-2007	July 2022	16 Years 01 Month
10.	Vidvan Rajaram Raut (Rajaram B. Raut)	Labour 28.10.1993	Labour 28.10.1998	Rs.36,697/-	June 2006-2007	Not paid yet due to legal heir certificate	
11.	Anusaya Shivcharan Khobragade (Shivcharan J.Khobragade)	Labour 28.10.1993	Labour 28.10.1998	Rs.35,176/-	June 2006-2007	13.07.2022	16 Years 01 Month
12.	Radhika Kisan Deshmukh (Kisan M. Deshmukh)	Labour 28.10.1993	Labour 28.10.1998	Rs.34,555/-	June 2006-2007	13.07.2022	16 Years 01 Month
13.	Vacchala Madhukar Deshmukh (Madhukar L.Deshmukh)	Labour 28.10.1993	Labour 28.10.1998	Rs.32,064/-	June 2006-2007	13.07.2022	16 Years 01 Month
14.	Dinesh Nilkant Dongarwar (Nilkanth L.Dongarwar)	Labour 09.11.1990	Labour 09.11.1995	Rs.82,155/-	June 2006-2007	03.06.2022	16 Years

3. G.R. dated 04.09.2006 had fixed the schedule for payment of arrears as follows-

5. या निर्णयातील सर्व कर्मचा-यानी न्यायलयातील दावा तडजोडीने मागे घेतलेला आहे व त्यामुळे कर्मचा-याना न्यायनिर्णयानुसार सलग सेवा होण्यापुर्वीच्या कालावधीतली सेवासातत्य वेतनाच्या फरकाची रक्कम तसेच इतर लाभ अनुज्ञेय नाहीत मात्र या निर्णयाप्रमाणे ज्या कर्मचा-यांना रूपांतरीत अस्थायी आस्थापनेवर रूपांतरीत करण्यात आले त्यांना ज्या दिनांकापासुन रूपांतरीत अस्थायी आस्थापनेवर आहे त्या दिनांकापासुन दि. 31/8/2000 पर्यंतच्या वेतनवाढीचा फरकाची रक्कम (सर्व प्रकारच्या भत्त्यासहीत) दहा समान वार्षिक हप्त्यात घ्यावयाची आहे. या रकमेचा पहिला हप्ता सन 2006 2007 मध्ये देण्यात यावा थकबाकीची सर्व रक्कम सन 2006-2007 या आर्थिक वर्षा पासुन त्या त्या वर्षाच्या जुन महिन्यात संबधित कर्मचा-याच्या भविष्यनिर्वाह निधीत वार्षिक दहा (10) समान हप्त्यात जमा करावी व प्रत्येक हप्ता भरल्यापासुन तीन वर्षा पर्यंत सदर रक्कम त्या कर्मचा-यास या खात्यातुन कोणत्याही प्रकारच्या अग्रीमाच्या स्वरूपात काढता येणार नाही सदर थकबाकीच्या रकमेवर कोणत्याही प्रकारचे व्याज अनुज्ञेय असणार नाही

4. Respondent no.5 does not dispute the schedule for payment fixed by G.R. dated 04.09.2006. It is his stand that Provident Fund Accounts were allotted to the applicants in the year 2009, therefore, the instalments which were to be paid till then were delayed, to calculate arrears it was necessary to go through attendance register of each of these applicants and these register were not traceable, after some of the applicants approached the Hon'ble Lokayukta arrears were

calculated, sanction for payment was accorded, payments to some of the applicants were made and process of paying arrears to the remaining applicants got underway.

5. According to respondent no.5, while fixing schedule for payment of arrears by G.R. dated 04.09.2006 itself it was specified that no interest was payable thereon. This submission cannot be accepted. From para 5 of the G.R. which is quoted above, it can be gathered that no interest on arrears was payable only till the starting point of schedule for payment. Once the period of payment schedule started, the respondents became liable to pay interest on account of delay.

6. I have referred to various contentions raised by respondent no.5 to resist the O.A.. In fact, from tenor of reply of respondent no.5 it can be inferred that the applicants have not, in any way, contributed to the delay. It would follow that the respondents were solely liable.

7. Table placed on record by the applicants furnishes necessary details. It was submitted by learned Advocate for the applicants that these details have been culled out from record of the respondents itself.

8. To support the prayer for grant of interest, the applicants have relied on the Judgement of **Sovakar Guru Vs. State of Odisha and**

Others 2022 SCC OnLine Ori 1478 (Orissa High Court) wherein it is held

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10. Moreover, the employees cannot be allowed to suffer because of inaction on the part of the employer for no fault of the employees. The employee is definitely entitled to get the payment as per the service conditions on due dates and/or in a given case within reasonable time. The employees, had the payment received within time and/or on due dates, could have utilised the same for various purposes.

11. Highlighting the need for consideration on grounds of equity in cases of deferred payments, the Hon'ble Supreme Court, in the case of Union of India & Ors v. Dr. J.K Goel², observed that:

"Before any interest can be granted on equitable considerations, it is necessary that the facts of the case should be examined to ascertain whether there are any special equities which would justify the grant of such interest although there is no provision in law for such grant."

12. Similarly, in the case of D.D. Tewari vs. Uttar Haryana Bulivitrans Nigam Limited and others ³, the Hon'ble Supreme Court held that:

".....denial of interest from the date of entitlement till the date of actual disbursement would take away the valuable rights of the retired government servant. It was reiterated in that decision that pension and gratuity are not bounty to be distributed by Government to its employees on their retirement, but are valuable rights and property in its hands and any culpable delay in settlement and disbursement thereof is to be visited with penalty of payment of interest."

13. In S.K. Dua v. State of Haryana, the appellant therein was served with three charge sheets/show cause notices in June 1998, few days before his retirement. However, he retired on 30.06.1998 on reaching the age of superannuation. He was paid provisional pension, but other retiral benefits were not given to him, which included commuted value of pension, leave encashment, gratuity, etc. They

were withheld till the finalisation of the disciplinary proceedings. While answering the issue as to whether the appellant therein was entitled to interest on delayed payment of retiral benefits, in the absence of any statutory rules/administrative instructions or guidelines, the Supreme Court held as follows:

"In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory rules occupying the field, the appellant could claim payment of interest relying on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in the absence of statutory rules, administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on [Articles 14, 19](#) and [21](#) of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion, well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents."

9. In view of factual and legal position discussed above, the O.A. is allowed in the following terms with no order as to costs.

The respondents are directed to verify service record of each of the applicants and pay interest to surviving applicants and legal heirs of deceased applicants @ 6% p.a. from the date the amount became due till the date of payment. Such amount of interest shall be paid within three months from today.

(M.A.Lovekar)
Member (J)

Dated – 12/03/2024
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 : 12/03/2024.

and pronounced on

Uploaded on : 13/03/2024.