

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI**

**ORIGINAL APPLICATION NO.123 OF 2019**

**DISTRICT : MUMBAI**

Shri Sopan Yashwant Pawar, )  
Age 61 years, Retired Police Inspector on the post of )  
Senior Security Officer, Legislative Assembly, )  
R/at A/16 Tribhuvan CHS Ltd., Dombivali (East), )  
District Thane 421201 )..Applicant

Versus

1. The State of Maharashtra, )  
Through Principal Secretary, Home Department, )  
Mantralaya, Mumbai 400032 )
2. The State of Maharashtra, )  
Through Principal Secretary, )  
General Administration Department, )  
Mantralaya, Mumbai 400032 )
3. Police Commissioner, )  
Government Railway Police, P.D'Mello Marg, )  
Wadi Bunder Signal Building, 4<sup>th</sup> floor, )  
Mumbai 400009 )
4. Police Commissioner, )  
Mumbai City Police, Crawford Market, )  
Mumbai 400001 )

5. Principal Secretary, )  
Legislative Assembly, Vidhan Bhavan, )  
Mumbai 400032 )..Respondents

Shri G.B. Pawar – Advocate for the Applicant

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Shri P.N. Dixit, Vice-Chairman (A)

DATE : 22<sup>nd</sup> October, 2019

### **J U D G M E N T**

1. Heard Shri G.B. Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

#### **Brief facts of the case:**

2. The applicant was working as Police Sub Inspector in the establishment of respondent no.3 till 25.6.1999. He was occupying Government accommodation allotted to him by respondent no.3 (Commissioner of Police, Railways). From there he was transferred to Mumbai City and joined accordingly. While joining the office of Commissioner of Police, Mumbai he was permitted to retain government accommodation allotted by the office of respondent no.3 vide communication dated 5.2.2002 (Exhibit D-1 page 58) by respondent no.3.

3. The applicant was transferred from Railway Police to Bombay Police on 25.6.1999. On transfer he applied for accommodation with Bombay Police. Accordingly he was allotted accommodation on 10.8.2014. As a result he vacated his quarter at Railway Police on 18.8.2014 and

proceeded to occupy the Government accommodation given by Bombay Police on the same date.

4. The applicant retired on 31.5.2015. At the time of retirement he was not paid the retirement benefits such as gratuity, leave encashment, GIS, GPF, leave salary difference of DA and transport allowance. The amounts were withheld for following grounds:

*“6.31 The applicant says that the respondent no.3 by his letter dated 15.6.2016, informed the office of the respondent no.1, that the applicant is entitled for exemption for paying the License fee/penal charges as per the Government Supplementary order dated 5.3.2016. He further informed the office of the respondent no.1 to guide his office whether to recover or not to recover the License Fee of Rs.46,360/- from the applicant.”*

(Quoted from page 29-30 of OA)

5. This is based on the document dated 14.6.2016 by respondent no.3 (page 112-113). This communication states that an amount of Rs.46,360/- is due from him as License Fee including penal rent for the Government accommodation occupied by him after his release/transfer from the office of respondent no.3.

6. The applicant had made a representation to the Additional Chief Secretary (Home Department) to condone the penal rent. On 24.11.2016 Home Department informed the office of respondent no.3 as under:

*“श्री. पवार यांना आपल्या कार्यालयाकडून दि. ०१.०२.२००२ रोजीच्या आदेशान्वये शासकीय निवासस्थानात राहण्यास मुदतवाढ देण्यात आली आहे. तसेच त्यांनी दंडनीय शुल्क माफ करण्याबाबत केलेली विनंती प्रलंबित होती. सबब, त्यांना दि. ०३.०३.२०१६ रोजीच्या शासन पुरकपत्रातील तरतूदी लागू होतील. या अनुषंगाने श्री. पवार यांचेकडून दंडनीय शुल्काऐवजी दि.२६.*

०६.१९९९ ते दि.१८.८.२०१४ या कालावधीसाठी रु.४६,३६०/- इतके अनुज्ञप्ती शुल्क वसूल करण्यात यावे.”

(Quoted from Exh.A page 191 of OA)

7. Thereafter the applicant was paid following amounts:

<b>Date</b>	<b>Particulars</b>
27.7.2017	Encashment of leave salary, GPF, Gratuity
8.8.2017	GIS
14.2.2018	Leave Salary
26.2.2018	Transport charges

8. However, an amount of Rs.46,360/- has not been paid to the applicant and the same has been withheld from his gratuity payable to him.

9. Therefore the applicant has made the following prayer:

*“9(a) That this Hon’ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an amount of Rs.46360/- (Rupees forty six thousand three hundred sixty only) illegally deducted by respondents from the gratuity amount Rs.46360/- due and payable to the applicant.*

*(b) That this Hon’ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant (1) an interest of Rs.2928/- @ 7% p.a. on gratuity amount of Rs.46360/- for the period from 1.9.2015 to 31.8.2016, (2) An interest of Rs.10176/- @ 10% p.a. on gratuity amount of Rs.4360/- for the period from 1.1.2016 to 10.2.2019 = 893 days X Rs.12/- per day = 10716/- with further interest Rs.10% per annum on the sum of Rs.46360/- from the date of filing of this*

OA till the order/award is made and thereafter from the date of order till the actual realization as per statement of claim (Exh.II) Rs.12/- per day).

(c) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.120916/- for the delay in making the payment of the encashment leave salary amount of Rs.544220/- as per the statement of claim (Exh.II) i.e. 787 days X Rs.268/- per day = Rs.210916.00.

(d) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.46342/- for the delay in making the payment of group insurance amount of Rs.117744/- w.e.f. 1.6.2015 to 7.8.2017 i.e. for 799 days X 58/- per day = Rs.46,342.00 as per Exh (II).

(e) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.61263/- for the delay in making the payment of gratuity amount of Rs.384280/- as per statement of claim (Exh.II).

(f) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.9444/- @ 18% p.a. for the delay in making the payment of provident fund amount of Rs.25729.00 for the period w.e.f. 1.6.2015 to 26.7.2017 i.e. for 787 days X Rs.12/day = 9444.00 as per the statement of claim (Exh.II).

(g) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.7840/- @ 18% p.a. for the delay in making the payment of difference in leave salary dearness allowance amount of Rs.16,400/- w.e.f. 1.6.2015 to 13.2.2018 i.e. 980 days X Rs.8/- day = Rs.7840.00 as per the statement of claim (Exh.II).

*(h) That this Hon'ble Tribunal may be pleased to order and direct the respondents no.1 to 4 jointly and severally to pay to the applicant an interest of Rs.6296/- @ 18% p.a. for the delay in making the payment of transport charges of Rs.18118.00 for transporting the household articles w.e.f. 1.1.2016 to 25.2.2018 i.e. for 787 days X Rs.8/day = 6296.00 as per the statement of claim (Exh.II)."*

(Quoted from page 44-47 of OA)

10. Ld. Advocate for the applicant relies on the following rules from the notification issued by Finance Department on 1.7.1959:

*"850. In special circumstances, for reasons which should be recorded Government –*

*(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or*

*(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant."*

11. The applicant relied on the annexure to Rule 850 whereby by way of example list of persons eligible for rent free quarters are mentioned:

*"पोलीस विभाग*

*पोलीस आयुक्त व उपायुक्त, पोलीस अधिक्षक, पोलीस प्रशिक्षण केंद्राचे प्राचार्य, या केंद्राच्या ठिकाणी असलेले उपअधिक्षक, पोलीस इन्स्ट्रक्टर स्टॉफ, प्रशिक्षणार्थी, परिविक्षाधीन, सहाय्यक, उपअधिक्षक (पोलिस) प्रशिक्षणार्थी, परिविक्षाधीन सहाय्यक, उप अधिक्षक दर्जाचे अधिकारी, बृहन्मुंबईतील अधिक्षकाच्या दर्जाचे व अन्य ठिकाणातील निरिक्षक दर्जाचे अधिकारी, बृहन्मुंबईतील अधिक्षकाच्या दर्जापेक्षा व अन्य ठिकाणातील निरिक्षकाच्या दर्जापेक्षा दुय्यम अधिकारी, पोलीस हॉस्टिलमधील डॉक्टर्स, नर्सेस, कंपॅंडर, ड्रेसर, क्लर्क, वॉर्ड सर्वन्ट्स, स्विपर्स."*

(Quoted from page 602 of Karmachari Margdarshan book by Jagatrao Sonawane 2002 Edn.)

12. Ld. Advocate for the applicant submits during final hearing that name of the Railway Police does not figure in the same.

13. Ld. Advocate for the applicant contends that applicant is entitled for interest on delayed payment of his terminal benefits. He relies on the following judgments:

- (i) Dr. M.R. Chaudhari Vs. Union of India on 8.6.1999
- (ii) Vinodkumar Narayan Dixit Vs. The State of Maharashtra, Writ Petition No.12966 of 2017 decided by Bombay High Court on 3.4.2018.
- (iii) Smti. Angeline Wallang Vs. Union of India & Ors. W.P. (C) No.167 of 2017 decided by Meghalaya High Court on 2.5.2018 (2018 LAB. I.C. 2677).
- (iv) State of Haryana & Ors. Vs. Suraj Kaur & Ors. RSA No.2511 of 2011 decided by Punjab & Haryana High Court on 11.9.2015 [2016(8) SLR 259 (Pb. & Hry.)].
- (v) Yuvraj Nathuji Rodye Vs. Chairman, MSEB & Ors. Writ Petition No.3492 of 1994 decided by Bombay High Court Bench at Nagpur on 16.9.2008.
- (vi) John B. Braganza Vs. Hon'ble Chief Justice through the Registrar, Writ Petition No.73 of 2001 decided by Bombay High Court, Bench at Panaji on 18.7.2001 [2002(5) Bom.C.R. 387].

14. The judgments pertain to the point that when there is any delay for payment of terminal benefits for administrative reasons, applicant is entitled for payment of interest on delayed payment.

Submissions by the respondents:

15. The respondents no.3 & 4 have filed their affidavits contesting the claim made by the applicants. Respondents No.1 and 2 have not filed separate replies. The relevant portion of affidavit filed by respondent no.3 reads as under:

*“6. With reference to para no.6.4, I say that we do not have any record about the letter. Kindly refer to Exhibit A at page 48 of OA.”*

(Quoted from page 170 of OA)

16. Relevant portion from Exhibit A page 48 of OA reads as under:

*“पोलीस अधिका-यांच्या लोहमार्ग, मुंबई येथे होणा-या बदल्यांमुळे हा प्रश्न पुढेही कायमस्वरुपी उद्भवणारा आहे. त्यामुळे पोलीस आयुक्त, बृहन्मुंबईतून लोहमार्ग, मुंबई व मुंबई व लोहमार्ग मुंबईहून पोलीस आयुक्त, बृहन्मुंबई येथे बदली होवून आलेल्या किंवा गेलेल्या पोलीस अधिका-यांची शासकीय निवासस्थाने रिक्त करून घेण्यात येऊ नयेत किंवा त्यांना शासकीय निवासस्थाने आपआपसांत बदली करून देणात यावीत.”*

(Quoted from page 48 of OA)

17. Relevant portion of affidavit filed by respondent no.3 reads as under:

*“11. With reference to Paragraph No. 6.9, I say it is admitted fact that the Respondent No.3 had issued a letter dated 03.01.2006 to the applicant asking him to provide the information as to whether the residential quarters had been provided to him or not by the Respondent No.4 and send a copy of the letter issued by the Respondent No.4 in this regard. If no such*



*correspondence was produced then licence fees will be recovered from the applicant and his quarters would be vacated forcibly. Kindly refer to Exhibit F at page 61 of O.A.*

14. *With reference to Paragraph No. 6.12, I say it is true that, the Respondent No.3 had issued a letter dated 01.07.2010 to Respondent No.4 informing that the applicant had been issued residential quarters viz. D block, Room No.5, Dadar (E), Mumbai while he was working in Mumbai Railway Police. On his transfer to Mumbai City Police on promotion to the post of PSI, it was obligatory on part of the applicant to surrender the residential quarters issued by Respondent No.3. However, the applicant has failed to vacate his residential quarters. If the applicant fails to vacate his residential quarters issued by Respondent No.3 then, eviction process shall be initiated against him as per Sec. 31 of M.P. Act 1951 and Sec. 4 of Bombay Government Property Eviction Act 1955 as mentioned in the said letter. Kindly refer to Exhibit H at page 70 of O.A.*

15. *With reference to Paragraph No. 6.13, I say it is true that, the Respondent No.3 had issued a notice dated 31.01.2013 to the applicant directing him to pay the license fees and penal rent of Rs. 8,41,938/- for a period between 11.01.2005 to 31.12.2012 for not vacating the quarters occupied by him in time, failing which the said quarters shall be vacated as per the provisions laid down in Sec. 31 of M.P. Act 1951. Kindly refer to Exhibit I at page 71 of O.A.*

16. *Then again on 02.05.2013 the Respondent No.3 issued a letter to Respondent No.4 requesting to deduct the license fees and penal rent of Rs.9,17,738/- from the salaries of the applicant for period between 11.01.2005 to 30.04.2013 for not vacating the quarters issued by Respondent No.3.in spite of being transferred on the establishment of Respondent No.4. In the said letter it was also requested to Respondent No.4 to allot residential quarters to the applicant. Kindly refer to Exhibit I-1 at page 72 of O.A.*

17. With reference to Paragraph No.6.14, I say it is true that, the applicant vide his letter dated 27.02.2013 had informed the Respondent No.3 that he had still not been allotted the residential quarters by Respondent No.4 and he is not in a position to pay the penal rent as claimed by Respondent No.3 as most of his salary is spend on the maintenance of his family. He had further informed about his physical ailments and had requested to withdraw the notice issued to him U/s 31 of M.P.Act. Kindly refer to Exhibit J at page 73 to 75 of O.A.

19. With reference to Paragraph No.6.16, I say it is true that, the Respondent No.3 had issued a notice dated 06.09.2014 to the Respondent No.4 to recover the license fees and penal rent of Rs.12,12,721/- for a period between 11.01.2005 to 18.08.2014 for not vacating the quarters occupied by the applicant in time, Kindly refer to Exhibit L at page 78 of O.A.

23. With reference to Paragraph No.6.20, I say that the applicant had submitted a letter dated 19.09.2014 addressed to the Director General of Police, M.S., Mumbai requesting to cancel the notice issued by Respondent No.3 to the Respondent No.4 requesting to recover the amount of Rs. 12,12,721/- from the applicant for unauthorisedly occupying the residential quarters. The applicant had also stated that he had received residential quarters from the Respondent No.1 on 06.08.2014 and had vacated the residential quarters issued by Respondent No.3 on 18.08.2014. The applicant has also stated that he was not receiving any house rent allowance since he was occupying the residential quarters provided by Respondent No.3. Kindly refer to Exhibit P at page 85 to 86 of O.A.

24. With reference to Paragraph No.6.21, I say that the applicant had submitted a letter dated 04.07.2015 addressed to Hon. Chief Secretary, M.S., Mumbai mentioning the same facts as stated in Paragraph No.21. In addition to this, the applicant had stated that he has retired on 31.05.2015 and since then all the retirement benefits to which he had been entitled had not been paid to him as Respondent No.3 had issued a notice for the

*recovery of Rs.12,12,721- on his account for unauthorisedly occupying the government quarters issued to him by Respondent No.3 as he was working on the establishment of Respondent No.4. The applicant through this submission had requested to condone the recovery. Kindly refer to Exhibit Q at page 87 to 88 of O.A.*

*27. With reference to Paragraph No.6.24, I say that, Home Department, Mantralaya, Mumbai had issued a letter dated 15.07.2015 addressed to the Respondent No.4 with regards to the application dated 04.07.2015 received from the applicant and its copy annexed with the letter for reference. In the said letter it had been stated that, retired API Shri.V.V.Khujje had filed a petition before MAT vide O.A.NO.192/2015 for cancelling the recovery of licence fees and penal rent of Rs.8,94,600/- for unauthorisedly occupying the government quarters even though he was transferred out of Mumbai district. During the hearing the said petition, directions were issued to the government to submit the report as to in how many cases the license fees/penal rent had been recovered from the policemen who were unauthorisedly occupying the government quarters even though they were transferred out of Mumbai district. Kindly refer to Exhibit T and T1 at page 94 and 94 A of O.A.*

*30. With reference to Paragraph No.6.27, it is true that, the applicant had submitted a letter dated 10.08.2015 addressed to the Hon. Chief Minister, M.S., Mumbai requesting to cancel the notice issued by Respondent No.3 to the Respondent No.4 requesting to recover the amount of Rs. 12,12,721/- from the applicant for unauthorisedly occupying the residential quarters. The applicant had also stated that he had received residential quarters from the Respondent No.1 on 06.08.2014 and had vacated the residential quarters issued by Respondent No.3 on 18.08.2014. The applicant had also stated that he was not receiving any house rent allowance since he was occupying the residential quarters provided by Respondent No.3. The applicant had requested to cancel the aforesaid notice as all the retirement benefits to which he had been entitled had not been paid to him. Kindly refer to Exhibit W at page 98 to 99 of O.A.*

31. With reference to Paragraph No.6.28, I say it is true that, the Respondent No.3 had submitted a letter dated 10.08.2015 to Respondent No.1 informing that the Commissioner of Police, Railways, Mumbai does not have any authority to condone the license fees/penal rent charged to the applicant and the State Government is empowered to take decision in this regards. Also a letter dated 16.12.2014 was submitted to Respondent No.1 seeking guidance in aforesaid matter. Kindly refer to Exhibit X combinely at page 100 to 103 of O.A.

32. With reference to Paragraph No.6.29, I say it is true that Government circular dated 03.03.2016 was issued by the Respondent No.1 in which it was stated that if any Police Officer / Policeman is transferred with in Brihanmumbai in any other police organisation then with the permission from the Unit In-charge the concerned Police Officer / Policeman can continue to occupy the quarters in his possession by paying the prescribed license fees. If Police Officer / Policeman is transferred out of Mumbai district then he has to vacate the quarters or pay the penal rent. Kindly refer to Exhibit Y combinely at page 104 to 105 of O.A.

34. With reference to Paragraph No.6.31, I say it is true that, a letter dated 14.06.2016 was submitted to the Respondent No.1 stating that by Resp.No.3, as per the GR dated 03.03.2016 as mentioned in Paragraph No.27 the provisions of the said GR are applicable to the applicant and hence the penal rent of Rs.12,12,721/- charged to the applicant has been condoned. Guidance was sought in respect of the license fees of Rs.46,360/- payable by the applicant and whether said license fees should be charged to him or not ? Kindly refer to Exhibit AA at page 112 to 113 of O.A. I say and submit that with reference to his letter Dated.14.6.2016 Respondent No.3 has received a letter from Respondent No.1. In the letter it was mentioned that period for license fee i.e. 26.6.1999 to 18.8.2014 counted by the Respondent No.3 is correct and accordingly license fee Rs.46,360/- be recovered from the applicant. I further say and submit that

*the Respondent No.3 had informed accordingly to the Respondent No.4 to recover the license fee Rs.46,360/- from the applicant.*

*37. With reference to Paragraph No.6.34, I say that the license amount to recover was calculated as per GR Dated 3.3.2016 and the guidance accorded from the Home Department informed to Respondent No.4 to recover the amount.*

*38. With reference to Paragraph No.6.35, I say it is not true that G.R Dated 18.11.2005 and 7.7.2008 are not applicable in the case of the applicant. It is also not true that Respondent No.3 illegally issued notices and orders to recover the license fee and penal charges from the applicant for not vacating the residential quarter. The recovery of license fee of Rs.46,360/- is calculated according to GR and guidance from Home Department. Kindly refer to Exhibit DD and DD1 at page 123 to 130 of O.A.*

*54. With reference to Paragraph No. 7.4 (p), I say it is not true. The notices and letters issued by the Respondent No.3 were legal and valid.*

*60. The applicant had submitted his applications to various authorities mentioned in the petition and had requested to condone the recovery of the penal rent of Rs.12,12,721/- . However, his request was not considered at any level. Meanwhile, as per the GR dated 03.03.2016 the revised computation of the license fees / penal rent payable by the applicant was prepared and the applicant was directed pay the license fees of Rs.46,360/- only for overstaying in the government quarters allotted by Respondent No.3.*

*61. In the light of the facts and circumstances mentioned hereinabove, I say that the Applicant is not entitled for any relief as prayed in the Application and the Application filed by the Applicant is without any foundation and devoid of any merits and the same deserves to be dismissed with costs.*

*(Quoted from page 171-184 of OA)*

18. Ld. PO refers to Rule 129-A & 129-B of the MCS (Pension) Rules, 1982. The relevant portion of the same reads as under:

*“129-A. Interest on delayed payment of gratuity.- (1) Where the payment of retirement gratuity or death gratuity, as the case may be has been delayed beyond the period of three months from the date of retirement or death, and it is clearly established that the delay in payment was attributable to administrative lapse, an interest at the rate applicable to General Provident Fund deposits shall be paid on the amount of gratuity, in respect of the period beyond three months.*

*129-B. Interest on delayed payment of pension.- (4) If as a result of Government’s decision taken subsequent to the retirement of a Government servant, the amount of pension already paid on his retirement is enhanced on account of,-*

*(a) grant of pay higher than the pay on which pension, already paid was determined; or*

*(b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the Government servant concerned, no interest on the arrears of pension shall be paid.”*

Findings:

19. I have perused relevant record and various circulars, rules and GRs. tendered by the Ld. Advocate for the applicant as well as by the Ld. PO. It is a fact that the applicant occupied the Government accommodation allotted to him by Railway Police from 26.6.1999 to 18.8.2014 even though he was not working on the establishment of Railway Police. The Commissioner of Police (Railways) has therefore as per GRs issued by the

Finance Department from time to time and GR dated 3.3.2016 have charged him Rs.46,360/- as license fee and no penal rent is levied. The Commissioner of Police (Railways) has taken this action as per communication from the Home Department on 24.11.2016.

20. It is the contention of the applicant that he is entitled to rent free accommodation. It is however not clear whether Rs.46,360/- should be recovered from him on account of license fee as mentioned by the Home Department in the communication dated 24.11.2016 (Exh. A page 191 of OA). The Ld. Advocate for the applicant has contended that the GR dated 18.11.2015 is applicable from 3.3.2016. According to him the provisions of GR dated 18.11.2015 are not applicable to him. The amounts which were due to the applicant have been released after this communication from the Home Department.

21. Ld. Advocate for the applicant relies on rule 133(5) of MCS (Pension) Rules, 1982 which reads as under:

*“133. Adjustment and recovery of dues pertaining to Government accommodation.- (5) If in any particular case, it is not possible for the Executive Engineer concerned to determine the outstanding licence fee, that Executive Engineer shall inform the Head of Office that ten per cent of the gratuity or one thousand rupees, whichever is less may be withheld pending receipt of further information.”*

22. The applicant retired on 31.5.2015. He was entitled to get the terminal benefits due to him on that date. Even if the issue regarding his penal rent and license fee were not settled at that time, the respondents were at liberty to withhold 10% of his gratuity. However, as admitted all amounts due to him were withheld. The Home Department in their communication dated 24.11.2016 have clarified that penal rent has been

condoned and only license fee of Rs.46,360/- should be recovered from him. Payments due to the applicants pertaining to encashment of leave salary, GPF, balance gratuity were paid to him on 27.7.2017, GIS on 8.8.2017, leave salary on 14.2.2018 and transport charges on 26.2.2018. Thus the delay made in payment to the applicant can be attributed only to administrative lapses and for no other reason. As per MCS (Pension) Rules, 1982 quoted in para 18 above when it is established that the delay in payment is attributable to administrative lapse, interest at the rate applicable to GPF deposits shall be paid on the amount of gratuity, in respect of the period beyond three months. Hence, it would be appropriate to conduct enquiry in the same and fix the responsibility on the concerned so that the amount payable to the applicant as interest is recovered from the concerned.

23. In view of the foregoing the OA is disposed off with the following directions:

- (i) The respondent no.1 (Home Department) is directed to take a conscious decision whether their communication dated 24.11.2016 directing respondent no.3 to recover an amount of Rs.46,360/- as license fee is as per the provisions and whether the same are applicable to the applicant?
- (ii) The respondent no.1 should also fix the responsibility for delayed payment, in the payment of terminal benefits to the applicant as mentioned in Rule 129-B(4) of MCS (Pension) Rules, 1982.
- (iii) The interest calculated as per the appropriate rules be paid to the applicant for delayed payment.



(iv) The above directions should be implemented within a period of three months from today and communicated to the applicant within two weeks thereafter.

No order as to costs.

**(P.N. Dixit)**  
**Vice-Chairman (A)**  
**22.10.2019**

Dictation taken by: S.G. Jawalkar.

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