

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 102/2021(S.B.)**

Milind Chudaman Ukey,  
Aged about 60 years,  
R/o. Plot No.101, Nalanda Sahanivas,  
Banarji Layout, Nagpur – 27.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through its Secretary,  
Water Resources,  
Mantralaya, Mumbai - 32.
2. Secretary & Superintending Engineer,  
Interstate Control Board (MP &Mah)  
Administrative Building No.1, Nagpur.

**Respondents**

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Shri G.K.Bhusari, Ld. counsel for the applicant.  
Shri M.I.Khan, Ld. P.O. for the respondents.

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**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 10<sup>th</sup> August, 2023.**

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**JUDGMENT**

Heard Shri G.K.Bhusari, learned counsel for the applicant and  
Shri M.I.Khan, learned P.O. for the Respondents.

2. Case of the applicant in short is as under.

The applicant has approached to this Tribunal for the following reliefs-

*(1) Direct the Respondents to pay the retirement benefits of the Applicant along with interest on delayed payment of retirement benefits as described in the TABLE;*

*(11) Direct Respondents to decide representations dated 15.07.2019 and 08.12.2020 (Annexure A-) made by Applicant in respect of retirement benefits and interest on delayed payment of retirement benefits:*

*(III) Grant any other relief which this Hon'ble Tribunal may find deem fit and proper in the facts and circumstances of the case.*

*(IV) Saddle the cost of the proceedings Rs. 50,000/- on the Respondents.*

The applicant is retired employee. He was retired on completion of age of superannuation on 30.06.2018. After the retirement, charge sheet was issued and departmental enquiry was started. In the departmental enquiry punishment was awarded by the disciplinary authority for deducting 8% amount from his pensionary benefits. On 12.02.2020, the applicant accepted the punishment and submitted before

the respondent no.1 and saying that he is ready to deduct for 8% p.a. amount from his pensionary benefits. Even thereafter, the pension and pensionary benefits were not paid to the applicant. Therefore, he has filed the present O.A. for direction to the respondents to pay the pension and pensionary benefits along with interest.

3. Reply is filed by the respondents 1 and 2. In para 15 respondent no.1 has stated as under-

*15. It is submitted that applicant has been paid following benefits.*

Sr.No.	Date	Benefits	Treasury Bill No.	Amount
1.	24.10.2018	General Provident Fund	653	19,28,892/-
2.	23.10.2018	Group Insurance Scheme	172	3,01,216/-
3.	20.08.2021	Earned Leave Encashment	832	11,67,370/-
4.	13.08.2021	1 <sup>st</sup> Installment of Difference as per 7 <sup>th</sup> Pay Commission	05	83,389/-
5.	07.09.2021	2 <sup>nd</sup> Installment of Difference as per 7 <sup>th</sup> Pay Commission	07	83,389/-

4. During the course of submission, the learned P.O. has submitted that all the pension and pensionary benefits are paid to the applicant on 28.10.2018, 30.10.2018, 28.08.2021, 30.08.2021 and lastly on 07.09.2021. In view of this submission, now pension and pensionary

benefits are already paid by the respondents. Therefore, the learned P.O. has submitted that the O.A. is liable to be dismissed.

5. Advocate Shri G.K.Bhusari submits that without any fault of the applicant, the respondents have not paid pension and pensionary benefits. It is pertinent to note that the applicant had given consent on 12.02.2020 and the applicant had claimed the interest from the date of 12.02.2020.

6. The learned P.O. Shri M.I.Khan has submitted that because of Covid-19 there is some delay on the part of respondents to pay leave encashment, first installment of difference of 7<sup>th</sup> Pay Commission and second installment of difference of 7<sup>th</sup> Pay Commission. The learned P.O. has submitted that because of Covid-19 leave encashment was not paid within time. So far as 7<sup>th</sup> Pay Commission, it was granted as per the installments given by the Government. Arrears of 7<sup>th</sup> Pay is to be paid in 5 installments. The learned P.O. has submitted that 4 installments are already paid to the applicant. Therefore, the applicant cannot claim the installments of 7<sup>th</sup> Pay Commission.

7. The applicant is only entitled for interest on amount of gratuity and leave encashment. Hence, the following order.

### **ORDER**

1. The O.A. is partly allowed.

2. The respondents are directed to pay interest @ 6% p.a. on amount of Gratuity, leave encashment from 12.02.2020 till the actual date of payment.
3. No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 10/08/2023

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 Vice Chairman .  
Judgment signed on : 10/08/2023.  
Uploaded on : 10/08/2023.