

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 852/2022 (S.B.)**

Shriprakash Madanlalji Chouhan,  
aged about 60 years, occupation retired,  
Resident of 25, Gopikishan, N.I.T.,  
Adivasi Layout, Trimurti Nagar,  
Nagpur 440022.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through its Secretary,  
Skill Development,  
Employment & entrepreneurship Department,  
Mantralaya, Mumbai, 32.
2. The Joint Director,  
Vocational Education & Training,  
Civil Lines, Nagpur-01.
3. District Vocational Education Officer,  
Wardha, Government Technical  
Secondary School Center Premises,  
Near Ganesh Talkies, Wardha

**Respondents**

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Shri B.Kulkarni,Ld. Counsel for the applicant.  
Shri V.A.Kulkarni, Ld. P.O. for the respondents 1 to 3.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 16<sup>th</sup> February, 2024.**

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### **JUDGMENT**

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents.

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

The applicant was working as a full time Teacher in the New English Junior College, Wardha under the respondent department. He came to be retired on 30.06.2020. As per the rules, the applicant was supposed to receive G.P.F. amount immediately after his retirement, the respondents have paid final withdrawal of G.P.F. after one year i.e. in the month of June, 2021. Therefore, applicant is entitled for interest. Hence, the applicant has approached to this Tribunal for the following reliefs-

- A) Direct respondents to pay the applicant amount of less payment of interest of Rs.1,06,379/- along with penal interest till its realisation, in view of the Rule 12 of the G. P. Fund Rules*
- BJ Grant any other relief as may be deemed fit in the interest of justice.*

3. The O.A. is strongly opposed by the respondents in para 2 of the reply. It is submitted that respondent no.2 received the final General Provident Fund i.e. G.P.F. proposal from New English Junior College, Wardha on 08.06.2020. The applicant should have scrutinized last 10 years entry regarding General Provident Fund i.e. G.P.F. from respondent no.3 before submitting the final proposal to respondent no.3. Hence, the same was returned to the College as per letter dated 24.06.2020. The College of applicant was at fault and therefore, respondent no.3 is not responsible to pay the interest.

4. It is further submitted that there was Covid and therefore, there is a delay. The respondent no.3 is not responsible for payment of interest. Hence, the O.A. is liable to be dismissed.

5. The learned counsel for the applicant has pointed out the Rule 12 of the Maharashtra Government Provident Fund Rules, 1998. As per Note 1 of the Rules, where the payment of interest on fund beyond a period of six months may be authorised by the account of A.G. itself. As per this Rule, if the G.P.F. is not paid immediately after the retirement, then the employee is entitled for the interest @4% p.a. as per Clause -1 of the Rule 12. These Rules were enacted in the year 1998. Now, the minimum interest is @6% p.a..

6. Respondents have not paid the amount of G.P.F. till one year after the retirement. The applicant retired in the month of June,

2020. The respondents have paid G.P.F. amount in the month of June, 2021. The respondent no.3 was expected to pay all G.P.F. amount immediately after the retirement i.e. in the month of June, 2021 itself.

7. The applicant is entitled for interest @6% p.a.. Hence, the following order is passed-

**ORDER**

1. The O.A. is allowed.
2. The respondent no.3 is directed to pay interest @6% p.a. on the G.P.F. amount of Rs.18,15,790/-. The interest shall carry on the said amount from the date of retirement i.e. from 30.06.2020 till the actual payment made i.e. in the month of June, 2021.
3. The respondents shall calculate the interest and pay the same to the applicant within a period of three months after the receipt of this order.
4. No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated - 16/02/2024**  
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 Vice Chairman.  
Judgment signed on : 16/02/2024.  
Uploaded on : 21/02/2024.

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