

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.258 OF 2024

DISTRICT : MUMBAI

SUB : Interest on delayed payment

Mr. Vijay Tukaram Gawade)
Retired Filo setter operator)
Government Central Press, Mumbai)
Residing at: A/301, 3rd Floor,)
Om Akshay CHS, Near Sahaj Mitra Society,)
Kharegaon, Pakhadi, Kalwa, Dist Thane-400 605)...APPLICANT

V/s

1. The State of Maharashtra. Through Principal)
Secretary Department Industries, Energy and)
Labour Department of Government of)
Maharashtra, Mantralaya, Mumbai-400032.)

2. Directorate of Government Printing,)
Stationery and Publications, Government)
Central Press, Near Charni Road Railway)
Station, Netaji Subhash Road,)
Mumbai-400 004.)

3. Manager Directorate of Government)
Printing, Stationery and Publication,)
Government Central Press, Near Charni)
Road Railway Station, Netaji Subhash Road,)
Mumbai-400 004.)

4. Principal Accountant General (A & E)-1,)
Office of the Accountant General (A&E)-I,)
2nd Floor, Pratishtha Bhavan, 101,)
Maharshi Karve Road, New Marine Lines,)
Mumbai-400 020.)...RESPONDENT

Shri A. S. Dhanawat, learned Advocate for the Applicant.
Shri A. D. Gugale, learned Presenting Officer for the Respondents.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Vice-Chairman

Reserved on : 10.01.2025

Pronounced on : 22.01.2025

JUDGEMENT

Heard Shri A. S. Dhanawat, learned Advocate for the Applicant and Shri A. D. Gugale, learned Presenting Officer for the Respondents.

2. The Applicant retired on superannuation on 30.06.2020 from the post of 'Filo Setter Operator' in the Respondent department. At the time of his retirement neither any departmental nor any judicial proceeding was pending against him. This being the case, the department/employer was duty bound to release all his retiral benefits within the prescribed time. The order in respect of releasing amounts of gratuity, provident fund, commuted value of pension and leave encashment was passed belatedly on 08.09.2021. On account of belated payment of these amounts, the Applicant claims interest as provided under Rules 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982. Hence, this Original Application.

3. The only ground raised by the Respondents in defense of delayed payment of retiral benefits is outbreak of Covid-19. It is their stand that because of such situation, the retiral benefits of the Applicant could not be released within the time stipulated by 'Rules of 1982'. The Respondents have placed on record the G.Rs dated 23.03.2020 and 22.04.2020. By these G.Rs only 5% and 10% staff were to attend the office. It was tried to be contended that under such circumstances, pension case of the Applicant could not have been processed within the stipulated time.

4. Admittedly, there was delay in releasing retiral benefits of the Applicant. Pension is held to be a right and not a bounty. In view of this settled legal position, the Applicant cannot be deprived of interest on account of belated payment of retiral benefits. It is not the case of Respondent No.4 that the Applicant himself had contributed to the delay.

5. In view of this factual and legal position, the Original Application deserves to be allowed in the following terms :-

ORDER

- (A) The Respondents are directed to pay interest to the Applicant on account of delayed payment of gratuity, provident fund, commuted value of pension and leave encashment as provided under Rules 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982.
- (B) This payment shall be made within two months from today.
- (C) No order as to costs.

**Sd/-
(M. A. Lovekar)
Vice-Chairman**

Place: Mumbai
Date: 22.01.2025
Dictation taken by: V. S. Mane
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