

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 881 of 2023 (S.B.)**

Wasudeo s/o Kanhoji Kajale,
Aged about 61 years, Occu.: Retired,
R/o at Post Sawane Layout, Opp. Forest Office, Yavatmal Road,
Post & Tah. Aarni, District Yavatmal.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Principal Secretary, Water Resources Department,
Mantralaya, Mumbai-32.
- 2) Superintending Engineer,
Data Collection, Planning & Hydrology Project Circle,
Dindori Road, Nashik -422004.
- 3) Executive Engineer, Hydrology Project Division,
Vainganga Nagar, Ajni, Nagpur-440003

Respondents.

Shri R.M. Fating, Advocate for the applicant.
Smt. A.D. Warjekar, learned P.O. for respondents.

Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated :- 03/03/2025.

JUDGMENT

Heard Shri R.M. Fating, learned counsel for applicant and
Smt. A.D. Warjekar, learned P.O. for respondents.

2. The case of the applicant in short is as under -

The applicant was appointed on the post of Technical
Assistant on 02/03/1984. The applicant was promoted on the post of

Junior Engineer vide order dated 21/09/2013. He was continuously working on the said post till the date of his retirement. The applicant stood retired on 31/07/2021 from the post of Junior Engineer on attaining the age of superannuation. The applicant was entitled to get pension and pensionary benefits within time as per the Rules, but the respondents have paid delayed payment, therefore, applicant prayed to grant interest.

3. The O.A. is strongly opposed by respondents. It is submitted that the pension papers were submitted to the Pay Verification Unit and after receipt of papers from Pay Verification Unit, the pension and pensionary benefit was paid to the applicant.

4. During the course of submission, learned counsel for applicant has pointed out the order passed by the Lok Ayukta (लोक आयुक्त) dated 28/09/2022. Even after the direction of Lok Ayukta, the respondents have not paid the amount of pension and pensionary benefits.

5. The Hon'ble Supreme Court in the case of **State of U.P. and Ors. Vs. Dharendra Pal Singh (2017) 1 SCC 49** has held that that the pension and pensionary benefits are not a bounty. It is expected from the employer / government to pay the pension and pensionary benefits within time. If the employee is not at fault, then he is entitled to get interest as per the rules.

6. In the present O.A., the applicant was not at fault to get pension and pensionary benefits. It was the duty of respondents to submit all pension papers to the A.G. office. Because of inaction / fault on the part of respondents, the applicant could not get pension within time, therefore, he is entitled for interest as per the rules of 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982. Hence, the following order-

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to pay interest on pension and pensionary benefits to the applicant as per rules of 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982.

(iii) The respondents are directed to comply the order within a period of four months from the date of receipt of this order.

(iv) No order as to costs.

Dated :- 03/03/2025.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/03/2025.