

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.980 OF 2023**

**DISTRICT: KOLHAPUR  
SUBJECT : PENSIONARY  
BENEFITS**

Shri. Ananda Ganpati Jagtap )  
(Husband of Late Smt. Vidya Ananda Jagtap) )  
Age - 71 years, )  
Residing at- 836/18/7, B- Ward, Apurvanagar, )  
Parijat Colony, Pachgaon Road, Kolhapur- 416007 )... **Applicant**

**Versus**

- 1) State of Maharashtra )  
Through Secretary, Medical Education & )  
Drugs Department, New G.T Hospital Premises, )  
9th Floor, Mantralaya, Mumbai-400 001. )
- 2) The Director, )  
Directorate of Medical Education and Research )  
Govt. Dental College and Hospital Building )  
St. George's Hospital Compound Mumbai-400 001).
- 3) The Dean, )  
Padmabhushan Vasantdada Patil )  
Government Medical College Sangli )...**Respondents**

**Smt. Punam Mahajan, learned Advocate for the Applicant.**

**Smt. Archana B. Kololgi, learned Presenting Officer for the Respondents.**

**CORAM : M.A. LOVEKAR, VICE-CHAIRMAN.**

**RESERVED ON : 03.03.2025**

**PRONOUNCED ON : 16.04.2025**

**JUDGMENT**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. With letter dated 1-6-2016 pension case papers of wife of the applicant were submitted to Accountant General, Mumbai. In these papers calculation of commutation of pension was made as per 6<sup>th</sup> Pay Commission. She retired on superannuation on 31-7-2016 as Assistant Matron. Pensionary benefits were sanctioned to her by order dated 5-7-2016 w.e.f.1-8-2016. She died on 16-3-2019. On 2-8-2019 corrections were made in Pension Book by Kolhapur Treasury. By letter dated 21-6-2021 the applicant requested respondent no.3 to release difference amount of Pension, Family Pension, Gratuity, Commutation and Leave Encashment as per 7<sup>th</sup> Pay Commission. By order dated 13-12-2022 Accountant General sanctioned revised Pension, Family Pension and Gratuity. By letter dated 30-1-2023 the applicant requested respondent no.3 to submit proposal to the Accountant General to sanction revised Commutation Pension as per 7<sup>th</sup> Pay Commission. By the impugned communication dated 13-2-2023 this request was turned down by citing Rule (I)(1) M.C.S.(Commutation of Pension) Rules, 1981. Hence, this Original Application seeking reliefs of release of Commutation Pension as per 7<sup>th</sup> Pay Commission, and interest on delayed payment of Pension, Family Pension, Gratuity, Leave Encashment and Time Bound Promotion.

3. Respondent no.3 supported the impugned order. In addition, it is pleaded that delay in releasing the difference amount as per 7<sup>th</sup> Pay Commission was caused because of time consumed in entering name of the applicant in place of name of his deceased wife, and the amount of difference is already paid.

4. The applicant has furnished following details-

<b>Sr. No.</b>	<b>Particular</b>	<b>Amount</b>	<b>Date of receipt</b>	<b>Due Date of Payment (dd/mm/yyyy)</b>
1.	Pension	2,14,244	13/02/2023	01/03/2019
2.	Family Pension	4,22,273	31/01/2023	01/03/2019
3.	Gratuity	7,99,590	28/03/2023	01/03/2019
4.	Leave encashment	1,51,814	31/03/2023	01/03/2019
5.	Time Bound promotion difference	69,443	31/03/2023	01/03/2019
6.	Arrears of commutation of Pension as per 7th pay.	9,73,581	25/09/2024	01/03/2019

5. It is the submission of the applicant that the amounts of difference became payable as per G.R. dated 1-3-2019, respondents were under the obligation to release these amounts at once, there was no impediment in doing so and for these reasons they would be liable to pay interest on account of belated payments. In support of this submission reliance is placed on Judgement of this Tribunal dated 22.12.2022 in O.A. No.964/2022 (Smt. Deepali Dinkar Shirsat v/s. The Commissioner of Police, Mumbai & 2 Ors.). In this case it is held-

“6. At this juncture, it would be apposite to see Rule 7 and 10 of Maharashtra Civil Services (Commutation of Pension) Rules 1984 are material which are as under:-

**“7. Death of an applicant before receiving the commuted value**

If an applicant dies without receiving the commuted value on or after the date on which commutation became absolute, the commuted value shall be paid to his heirs.

**10. Retrospective revision of final pension**

An applicant who has commuted a fraction of his final pension and after commutation his pension has been revised and enhanced retrospectively, as a result of Government's decision, the applicant shall be paid the difference between the commuted value determined with

reference to enhanced pension and the commuted value already authorized. For the payment of difference, the applicant shall not be required to apply afresh.

Provided that, if a pensioner has specifically mentioned the amount of commutation of his final pension in his application of commutation of pension and as a result of Government decision his final pension has been revised and enhanced retrospectively, if the pensioner expresses his willingness, he is entitled to revised and enhanced amount of commutation of his final pension up (forty per cent) of revised final pension:

Provided further that, as per revised Pay Commission Order, the Government has changed the pay scale and pension has been revised and enhanced retrospectively, the pensioner may opt for difference of commutation, and he may submit the application to the concerned authority for the same within six months from the date of order issued by the Government. If the pensioner does not apply or opt for the difference it is presumed that he is not interested for revised commutation.

Provided also that in the case of an applicant who has commuted a fraction of his original pension not exceeding (ten per cent of basic pension) after being declared fit by a Civil Surgeon of a District Medical Officer and as a result of retrospective enhancement of pension, he becomes eligible to commuted an amount exceeding (ten per cent of basic pension) per mensem, he shall be allowed the difference between the commuted value of (ten per cent of basic pension) per mensem and the commuted value of the fraction of the original pension without further medical examination. The commutation of any further amount beyond (ten per cent of basic pension) per mensem shall be treated as fresh commutation and allowed subject to examination by a Medical Board.”

7. Thus, it is explicit from Rule 7 that if an applicant dies without receiving the commuted value on or after the date on which commutation becomes absolute, the commuted value shall be paid to his heir. Whereas, as per Rule 10, if the Government servant who has commuted a fraction of his final pension and after commutation, his pension has been revised and enhanced retrospectively, as a result of Government decision, a Government servant shall be paid difference between the commuted value determined with reference to enhanced pension and the commuted value already authorized. It specifically provides that for the payment of difference the Government servant shall not be required to apply afresh.

10. Thus, harmonious construction of rule 7 and 10 in the light of MCS (Revised Pay) Rules 2019 leave no doubt and makes it quite clear that whatever benefits were accrued to deceased Government servant, it will pass on to his widow (Applicant).

6. The Applicant has further relied on Judgement of this Tribunal dated 30.11.2022 in O.A. No.736/2021 (Shri Vasant Damodar Wakhare v/s. The State of Maharashtra & 2 Ors.). The Applicant has also relied on Judgement of this Tribunal dated 30.09.2022 in O.A. No.478/2022 (Shri Udhav Namdev Uddhav Funde v/s. The District Collector, Pune and 2 Ors.) In these cases the Tribunal directed the Respondents to pay interest on retiral benefits on account of their belated payments.

7. In view of facts of the case and legal position applicable thereto, the Original Application is allowed in the following terms. The respondents are directed to pay interest on delayed payments of Pension, Family Pension, Gratuity, Leave Encashment, Time Bound Promotion difference and arrears of Commutation of Pension as per 7th Pay Commission to the applicant at the rate applicable to G.P.F., within 2 months from today. No order as to costs.

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

Place: Mumbai  
Date: 16.04.2025  
Dictation taken by: N.M. Naik.

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