

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 06 of 2023 (S.B.)**

Shri Prabhakar S/o Pundlikrao Palaskar,
 aged 59 years, Occ: Retired Naib Tahsildar,
 R/o Parag Township, Shegaon-Rahatgaon Road,
 Amravati, Tq. & Dist. Amravati-444604.

Applicant.**Versus**

- 1) State of Maharashtra through its Principal Secretary,
 Revenue, Animal Husbandary and Dairy Development Ministry,
 Mantralya, Mumbai-400032 (Maharashtra).
- 2) District Collector,
 Amravati, District Amravati,
 Tq. & Dist. Amravati-444602.
- 3) Tahasildar, Tahsil Office Bhatkuli, Amravati,
 Near Circuit House, Bye pass Road, Amravati,
 Tq. Dist. Amravati, 444602.
- 4) Accountant General-II, (Accounts and Entitlements)-I,
 Pension Wing, Old Building, Post Box No.114, GPO, Civil Lines,
 Nagpur, Tq.& Dist. Nagpur-440001(M.S).

Respondents.

Shri G.R. Sadar, Advocate for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

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

Dated :- 10/06/2024.

J U D G M E N T

Heard Shri G.R. Sadar, learned counsel for the applicant
 and Shri A.P. Potnis, learned P.O. for the respondents.

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

The applicant was appointed as a Junior Clerk on 13/10/1983. The applicant retired from the post of Naib Tahsildar on 31/03/2022. The applicant not received the pension within time. Therefore the applicant submitted letter dated 06/07/2022. The applicant was informed by letter dated 11/08/2022 that the pension case was returned by the A.G. office, Nagpur. On 06/10/2022 the applicant was informed that his pension case was sanctioned. There is a delay on the part of respondents for not paying the pension within time. Therefore, the applicant has approached to this Tribunal for the following reliefs –

“(9) (a) to take serious cognizance of the deliberate delay caused by non-applicants in preparing and finalizing pension case of applicant in the light of his superannuation fixed on 31.3.2022.

(b) to hold and declare that, applicant is entitled for interest against the amount of retiral benefits paid by non- applicants to applicant at belated stage in the light of applicant's retirement effected on 31.3.2022.

(c) to fix the responsibility of delay caused in finalizing the pension case of applicant and releasing the retiral benefits by non-applicants to applicant in the light of applicant's retirement effected on 31.03.2022 and to order the non-applicants to pay amount of interest at the rate of 18% p.a. upon the amount paid to applicant from the date of retirement on 31.3.2022 till the date of receipt of respective amount by applicant.

(10) That, applicant is retired from his services w.e.f.31.03.2022 and his retiral benefits are released at belated stage. As such being aggrieved by the delayed payment of retiral benefits, applicant is praying for justice in terms of orders or directions to the non- applicants regarding payment of payable interest on the amount paid at belated stage as prayed above.

Therefore, applicant is not praying for any type of interim relief or ad-interim relief.”

3. The O.A. is opposed by the respondents. It is submitted that the amount of pension etc. are paid to the applicant on 06/10/2022. There was some delay for not submitting application properly. There was no intentional delay. Hence, the O.A. is liable to be dismissed.

4. The respondent no.4 has stated in the reply that pension case was not signed by Tahsildar, Bhatkuli and therefore pension case was returned.

5. There is no dispute that there was no fault on the part of the applicant. It is clear that it was fault on the part of respondent no.3 for not submitting the pension case with a proper signature.

6. The learned counsel for the applicant has pointed out the decision of the Hon'ble Supreme Court in the case of ***Baij Nath Gupta Vs. State of Bihar and Ors. (1996) 10 SCC 297*** and ***Dr. A. Selvaraj Vs. C.B.M. College & Ors.***, and the Judgment of this Tribunal in O.A.92/2022, decided on 01/08/2023. There is no dispute that the applicant was not at fault, the respondents were at fault. Therefore, in view of the Judgment of the Hon'ble Supreme Court in the case of the ***State of Uttar Pradesh and Ors. Vs. Dharendra Pal Singh (2017) 1 SCC,49***, the respondents are liable to pay interest @ 6% p.a.. The

material part of the Judgment of the Hon'ble Supreme Court in the case of the ***State of Uttar Pradesh and Ors. Vs. Dharendra Pal Singh (cited supra)*** is reproduced below –

“Pension and gratuity are not any bounty to be distributed by Government to its employees on retirement but are valuable rights in their hands, and any culpable delay in disbursement thereof must be visited with penalty of payment of interest. Further held, in absence of any plea that delay in payment of retiral dues was due to employee's fault and employer had obtained permission in writing from controlling authority in terms of Section 7(3-A), Payment of Gratuity Act, 1972, appellants liable to pay interest @ 6% p.a. on unpaid pension amount from date it had fallen due and interest @ 8% p.a. on unpaid amount of gratuity from date of retirement of employee.”

7. The respondents have not paid the pension amount within time. There is a delay of 7 months. The applicant was not at fault. It was fault on the part of respondents. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to pay @ 6% p.a. to the applicant from the date of retirement till the actual payment is made to the applicant, i.e., from 31/03/2022 to 06/10/2022.

(iii) No order as to costs.

Dated :- 10/06/2024.

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

dnk.

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 : 10/06/2024.