

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 326 of 2023 (S.B.)**

Smt. Prashansha W/o late Shri Premak Tukaram Wankar,  
Family pensioner aged 54 years,  
R/o S-1, Attrava Niketan Apartment Shshtri Nagar,  
Mul Road, Chandrapur. 442 401.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
through its Principal Secretary,  
Skill Development, Employment & entrepreneurship Department,  
Mantralaya, MUMBAI, 32.
- 2) The Principal,  
Industrial Training Institute, Rajura,  
District Chandrapur.
- 3) The Accountant General,  
Nagpur Civil Lines, NAGPUR. 440 001

**Respondents.**

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**S/Shri Bharat Kulkarni, Sunil Pande, Advocates for the applicant.**  
**Shri V.A. Kulkarni, learned P.O. for respondents.**

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

**Dated :- 12/06/2024.**

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**J U D G M E N T**

Heard Shri Bharat Kulkarni, learned counsel for the  
applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

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

The applicant is widow of late Premak Tukaram Wankar  
who died on 27/12/2006 while in service. The applicant is a legal heir  
was entitled for family pension. The applicant has not received family

pension, gratuity, leave encashment etc. within time limit. The respondents have paid the said amount after lapse of 28 months and therefore the applicant is claiming interest @ 10% on the amount of Rs.18,93,068/-.

3. The respondent nos.2 and 3 have filed their reply. It is submitted that the applicant's husband died during the service. Thereafter, the applicant was directed to produce legal heir certificate. The applicant produced legal heir certificate on 24/08/2007 and thereafter family pension case was prepared, therefore, there is a delay. It was not delay on the part of respondents. It is a procedural delay. Hence, the applicant cannot claim interest from the respondents.

4. During the course of submission, the learned counsel for applicant has pointed out the Chart filed on record (Exh-X). As per this Chart, the applicant is claiming interest from the date of death of her husband. There is no dispute that the applicant has submitted legal heir certificate on 24/08/2007. The learned counsel for applicant has fairly submitted that the interest from the date of submission of legal heir certificate i.e. from 24/08/2007 be granted.

5. The learned P.O. has submitted that on the date of submission of legal heir certificate, the pension cannot be paid. There is procedure to prepare the pension case and for that time is required.

Therefore, it was not delay on the part of respondents. Hence, the O.A. is liable to be dismissed.

6. There is no dispute that the applicant has submitted legal heir certificate on 24/08/2007. At the most within three months the respondents would have paid amount of family pension to the applicant, but it appears that the respondents have paid amount of family pension, gratuity etc. in the month of April, 2009. It appears that there is delay near about 1½ to 2 years. 2-3 months time is required to prepare pension case to pay the applicant after the death of her husband. The legal heir Certificate was produced on 24/08/2007. In the month of November, the respondents would have paid the said amount. Hence, the applicant can claim interest from 01/12/2008 till the actual amount is paid to her. Hence, the following order –

**ORDER**

- (i) The O.A. is partly allowed.
- (ii) The respondents are directed to pay interest @ 6% from 01/12/2008 till the actual payment is made to the applicant on the amount of family pension, gratuity, leave encashment etc.
- (iii) No order as to costs.

**Dated** :- 12/06/2024.

**(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 : 12/06/2024.