

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 437 of 2016 (S.B.)**

1. Smt. Shobha wd/o Keshavrao Bante,  
Aged about 64 years, Occ: Household,
2. Tushar s/o Keshavrao Bante,  
Aged about 35 years, Occ: Nil,
3. Abhijit s/o Keshavrao Bante,  
Aged about 33 years, Occ: Service.

All R/o Ashok Nagar, Manegaon (Lakhani), Tahsil Lakhani,  
District Bhandara.

**Applicants.****Versus**

1. State of Maharashtra,  
through its Secretary,  
Agriculture, Animal Husbandry and Dairy Development Department,  
Mantralaya, Mumbai-32.
2. The Commissioner,  
Animal Husbandry & Dairy Development, Maharashtra State,  
Pune-1.
3. The Regional Joint Commissioner,  
Animal Husbandry and Dairy Development,  
Nagpur Region, Civil Lines, Nagpur-1.
4. The Deputy Commissioner,  
Animal Husbandry, Bhandara, District Bhandara.

**Respondents.**

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**S/Shri D.M. Kakani, G.K. Bhusari, Advocates for the applicants.  
Shri M.I. Khan, learned P.O. for respondents.**

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

**Dated :- 19/11/2024.**

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

Heard Shri G.K. Bhusari, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

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

The husband of applicant no.1 was in service with the respondents. He died during the service, but pension and pensionary benefits were not granted to the applicants. Therefore, the applicants approached to this Tribunal by filing the O.A.No.479/2002. The said O.A. was decided on 03/03/2011. The said O.A. was allowed by passing following order –

*“(i) The impugned order of removal dated 12.8.2002 is quashed and set aside.*

*“(ii) The original applicant shall notionally stand reinstated in service w.e.f. 12.8.2002 and would be deemed to have continued in service till 6.2.2007, on which date he expired.*

*“(iii) The applicants shall be entitled to receive pensionary and retiral benefits accrued to the original applicant by treating him to be in service up to 6.2.2007.*

*“(iv) The retiral dues shall be paid by the respondents to the applicant within a period of four months from today.*

*“(v) There shall be no order as to costs.”*

3. Thereafter the applicants filed again O.A.No.68/2014 claiming that GIS amount was not paid to the applicants along with interest

etc.. The said O.A. was decided on 24/2/2015. The material part of the order is reproduced below –

*“ Heard Shri D.M. Kakani Id counsel for the applicant and Shri M.I. Khan Id. P.O. for the respondents.*

*Learned P.O. files the order dated 10-2-2015 (P-69). The learned counsel for the applicant submits that now the grievance of the applicant stands redressed barring the claim of interest. Hence, he requested to keep the aspect of interest open.*

*In view of above, the O.A.is disposed of keeping the claim of interest open.*

*The respondents to comply the order dated 10-2-2015 (P-69) as early as possible.”*

4. Respondent nos.1 to 4 have filed reply. It is submitted that all the retiral benefits are given to the applicants within time. Therefore, the applicants are not entitled for interest. Hence, the O.A. is liable to be dismissed.

5. During the course of submission the learned counsel for applicants has pointed out the order of this Tribunal in O.A.No.479/2002, dated 03/03/2011. From the perusal of the order of this Tribunal, it is clear that the respondents were directed to treat the deceased husband of applicant no.1 in service upto 6/2/2007. The respondents were directed to pay all pensionary / service benefits to the applicants. The said order was not complied. Applicants have filed O.A.No.68/2014. The said O.A. was disposed of by this Tribunal by order dated 24/02/2015. The material part of the order shows that the

learned P.O. made statement that now grievances of the applicants are redressed barring the claim of interest. Therefore, the O.A. was disposed of. From the order itself it is clear that issue in respect of interest was kept open. The learned P.O. had made statement that grievances of the applicants are redressed barring the claim of interest. This itself shows that the interest was not paid to the applicants. Hence, the applicants are entitled for interest as per the Rules 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 as per the Rules of 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 to the applicants within a period of four months from the date of receipt of this order.

(iii) No order as to costs.

**Dated** :- 19/11/2024.

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 Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 19/11/2024.