

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 142 of 2021 (S.B.)

Govind s/o Namdeorao Pachgade,
Aged about 59 years, Occ: Retired Agricultural Supervisor,
R/o Ganesh Colony, Shilangan Road, Amravati.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary, Agriculture Department,
Mantralaya, Mumbai-32.
- 2) Divisional Joint Director Agriculture,
Amravati. of Amravati Division, Amravati.
- 3) Sub-Divisional Agriculture Officer,
Krushi-Sankul, Sant Gadgebaba Vidyapeeth,
Tapowan Road, Amravati.

Respondents.

S/Shri P.V. Thakre, Aditi Pardhi, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 10/10/2024.

J U D G M E N T

Heard Shri P.V. Thakre, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondent.

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

The applicant was appointed as Agricultural Assistant on
16/05/1984. He was posted at Ratnagiri in Kokan Division. He was
transferred to Amravati Division and posted at Dharni on 1/10/1994.
The applicant was promoted on the post of Agricultural Supervisor on

1/6/2005. The applicant submitted notice for Voluntary Retirement (V.Rs.) w.e.f. 29/2/2020 as per his application dated 31/11/2019. Respondent no.2 accepted the notice of V.Rs. and allowed the applicant to retire w.e.f. 29/2/2020. The applicant made application for grant of interest over the delayed payment of retiral benefits on 18/5/2020. It is the case of the applicant that the respondents have not paid pension, gratuity and other benefits within a period of three months from the date of his retirement and therefore he is entitled for interest.

3. The O.A. is strongly opposed by the respondent nos. 2 and 3. It is submitted that the respondents are /were not at fault. The applicant was to retire in the month June, 2020. The applicant got V.Rs. w.e.f. 29/2/2020. As per the provisions of Rule 129 B of the Maharashtra Civil Services (Pension) Rules, 1982, six months time is required. After six months, the applicant can claim interest. It is further submitted that because of the Covid,19, the respondents could not process the pension papers of applicant, therefore, the respondents were not at fault. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for applicant has pointed out Rule 120 of the Maharashtra Civil Services (Pension) Rules and submitted that as per this rule, the respondents should have processed the pension papers before two years of the

retirement of the applicant. The applicant was to retire in the month of June,2020. Hence, the applicant is entitled to get interest.

5. There is no dispute that as per Rule 120 of the Maharashtra Civil Services (Pension) Rules, department has to process the pension papers two years before the date of retirement of employee. But Rule 129 B of the said rules, clearly shows that interest can be claimed after six months from the date of retirement on the amount of pension. As per rule 129 A of the said rules, if the amount of gratuity is not paid within a period of three months, then the employee will be entitled for interest.

6. The respondents have paid pension and gratuity etc. as per the Chart given below –

सेवा निवृत्ती नंतर खालिल प्रमाणे विलंबाने मिळालेली रक्कम.

सेवा निवृत्ति दिनांक २९-०२-२०२०

अ.क्र.	रक्कम मिळाल्याचा दिनांक	मिळालेली रक्कम रुपये	शेरा	रक्कम मिळणे आवश्यक असल्याचा अंदाजे दिनांक
१	०१-०७-२०२०	११६२५९-००	माहे.मार्च,एप्रिल व मे २०२० चे तात्पुरते निवृत्ती वेतन	
२	०२-०७-२०२०	७५१०५०-००	रजा रोखीकरण	मार्च-२०२०
३	१३-०७-२०२०	१०३९५००-००	९० टक्के ग्रॅज्युईटी	मार्च-२०२०
४	१३-०७-२०२०	१८१६०४-००	तिस-या कालबद्ध पदोन्नतीच्या फरकाची रक्कम	जानेवारी-२०२०
५	१३-०७-२०२०	३८७५३-००	माहे जुन २०२० चे तात्पुरते निवृत्ती वेतन	-
६	१७-०८-२०२०	३८७५३-००	माहे जुलै २०२० चे तात्पुरते निवृत्ती वेतन	-
७	०८-०९-२०२०	३८७५३-००	माहे ऑगस्ट २०२० चे तात्पुरते निवृत्ती वेतन	-
८	०७-१०-२०२०	३२४६०-००	रजा रोखीकरणाच्या फरकाची रक्कम	मार्च-२०२०
९	१८-१२-२०२०	१०१८२-००	तात्पुरते निवृत्ती वेतनाच्या फरकाची रक्कम	-
१०	२९-१२-२०२०	११५५००-००	१० टक्के ग्रॅज्युईटी उर्वरीत	
११	०४-०१-२०२१	१२८,२७०-००	गट विमा	मार्च-२०२०
१२	११-०१-२०२१	७२९७७८-००	भविष्य निर्वाह निधीची रक्कम	मार्च-२०२०
१३	१२-०१-२०२१	१४१८९२८-००	पेंशन विक्री	मे-२०२०
१४	१२-०१-२०२१	१५८८३२-००	माहे सप्टेंबर २०२० ते डिसेंबर-२०२० चार महिन्यांची पेंशन	-

7. There is no dispute that the applicant has received pension from 1/7/2020. Therefore, in view of rule 129 B of the said rules, the applicant is not entitled for interest on the amount of pension. The amount of pension was granted to the applicant within a period of six months i.e. from the date of his retirement (29/2/2020). The other benefits were not granted to the applicant within time. The gratuity amount was paid on 13/7/2020 and other amounts were paid belatedly and last amount was paid on 12/1/2021. As per rule 129 A and B of the Maharashtra Civil Services (Pension) Rules, the amount of interest is to be granted if the employee is /was not at fault for delay of submitting pension papers. The applicant was not at fault to prepare pension papers. The objection raised by the respondents that because of Covid,19 the pension papers could not be submitted within time. It is pertinent to note that the offices were not closed. The work in the offices was going on and therefore this ground cannot be raised. The applicant was not at fault for non submission of pension papers. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The relief in respect of interest on payment of pension is rejected.

(iii) The respondents are directed to pay interest @ 6% on the amount of gratuity after three months from the date of retirement of the applicant and also other benefits such as GPF, GIS etc.

(iv) The respondents are directed to calculate the amount of interest and pay to the applicant within a period of four months from the date of receipt of this order.

(v) No order as to costs.

Dated :- 10/10/2024.

(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 Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 10/10/2024.