

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/1197 /2017
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date: 20 MAR 2017

ORIGINAL APPLICATION NO. 945 OF 2016.
(Sub :- Payment of Gratuity)

- 1 Shri Gajanan M. Madake,
R/at. D Wing, Flat No. 401, Nakshyatra Phase I, CDC, Purna Nagar,
Chinchwad, Pune-411 019.

....**APPLICANT/S.**

VERSUS

- 1 The Govt. of Maharashtra, Through
Secretary, Revenue & Forest Dept.,
Mantralya, Mumbai-32.
- 2 Chief Conservator of Forest
(Education & Training), Forest
Bhavan, 4th Floor, Bhamburda
Forest Colony, Near Mendhi Farm,
Gokhale Nagar, Pune-411 016.
- 3 Director, Forest Training Institute,
Shahpur, Dist. Thane.
- 4 Office of Accountant General,
Indian Audit & Accounts Dept.,
Prathistha Bhavan(Old CGO Bldg)
101, M.K. Marg, 2nd Floor,
Mumbai-20.

...**RESPONDENT /S**

Copy to : The C.P.O. M.A.T., Mumbai.

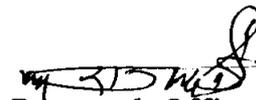
*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 17th day of **March, 2017** has made the following order:-*

APPEARANCE : Shri M.D. Lonkar, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **17.03.2017.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.


Research Officer, /A.R.-
Maharashtra Administrative Tribunal,
Mumbai. 20 MAR 2017

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
Directions and Registrar's orders

Tribunal's orders

O.A.945/2016

Mr. G.M. Madake ... Applicant
Vs.

The State of Mah. & Ors. ... Respondents

The gratuity having admittedly ^{been} paid pending this OA (see Page 37, Para 3). The dispute now remains restricted to the issue of interest which is governed by Rule 129-A of the Maharashtra Civil Services (Pension) Rules, 1982.

I have perused the record and proceedings and heard Mr. M.D. Lonkar, the learned Advocate for the Applicant and Mrs. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

According to the Respondents, the gratuity was held up in view of the contemplated Departmental Enquiry which has not gone underway even till date. Therefore, that aspect of the matter is something which need not detain me at all.

The payment of gratuity to the extent of 90% was made on 8.11.2016 and the balance 10% on 19.11.2016. The Applicant retired on superannuation on 31.10.2015. Admittedly, even after the lapse of three months, his gratuity was not paid to the Applicant and there is no valid ground for doing so. Therefore, it is very clear that w.e.f.01.02.2016 till actual payment on 8.1.2016 and 19.11.2016, the Applicant would be entitled to the interest as provided for in Rule 129-A of the Pension Rules.

It is recorded that the Applicant, pending this OA has in accordance with his entitlement received 90% of the gratuity on 8.11.2016 and the balance 10% on 19.11.2016. The Respondents are directed to pay to him interest at the rate applicable to General Provident Fund deposits from 01.02.2016 till the date of actual payments. Compliance within six weeks from today. The OA is allowed in these terms with no order as to costs.

DATE: 17/3/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

C.P.O./P.O. for the Respondents

Adj. To O.A. is Allowed

TRUE COPY

Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai. 20 MAR 2017

(skw)

(R.B. Malik)
Member (J)
17.03.2017