

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 528/2022 (S.B.)**

Vilas S/o Vasant Rao Kulkarni,
Aged about 61 years,
Occupation : Retired as Civil Engineering Assistant,
Resident of Janata Chowk,
Ramnagar, Wardha,
Tehsil and District Wardha.

Applicant.

Versus

- 1) The State of Maharashtra,
Through Secretary,
Jalsampada Department,
Mantralaya, Mumbai-32.
- 2) Superintending Engineer,
Nagpur Patbandhare Circle, Nagpur.
- 3) The Executive Engineer,
Lower Wardha Canal Division,
Wardha.

Respondents

Shri M.R.Rajgure, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the respondent no. 1.

Shri T.M.Zaheer, Id. counsel for the respondents 2 & 3.

Coram :- Hon'ble Shri M.A.Lovekar, Member (J).

JUDGMENT

Judgment is reserved on 11th Nov., 2024.

Judgment is pronounced on 22nd Nov., 2024.

Heard Shri M.R.Rajgure, ld. counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the Respondent no. 1 and Shri T.M.Zaheer, ld. counsel for the Respondents 2 & 3.

2. Undisputed facts are as follows. The applicant was due to get benefit second time bound promotion, and pay scale as per 7th Pay Commission. However, his pension was calculated on the basis of pay drawn as per 6th Pay Commission without giving benefit of second time bound promotion. The applicant retired on superannuation on 30.06.2018. For redressal of his grievance the applicant had to file O.A. No. 34/2021 before this Bench. During pendency of said O.A. pay of the applicant was refixed and to that extend grievance of the applicant stood redressed. Said O.A. was disposed of by order dated 02.03.2022 by recording partial satisfaction and by keeping issue of interest open on account of delayed payment. Hence, this Original Application.

3. Stand of respondents 2 to 4 is as follows. By order dated 13.12.2019 benefits of second time bound promotion were directed to be extended to the applicant w.e.f. 01.01.2016. Proposal was accordingly forwarded to Pay Verification Unit initially on 26.02.2020 and thereafter again on 19.05.2021 (Annexures-R2-I and R2-II, respectively). Due to Covid Pandemic Pay Verification Unit did not process the proposal. Thus

there were no laches on the part of the department. Details of the amount received by the applicant are as follows:-

विलंबाने प्राप्त रकमेचे विवरण व त्यावरील व्याज

Sr. Nos.	Details of amount received	Amount Received	Date of Credit in Bank Account
1	Arrears of difference in salary	1,94,913.00	10.02.2022
2	Difference of leave encashment	1,06,250.00	01.03.2022
3	Difference of gratuity	5,06,220.00	05.04.2022
4	Difference of commutation value of pension.	6,16,373.00	11.04.2022
5	Arrears of pension as per 7 th Pay Commission	2,18,917.00	18.04.2022
	Total Amount	16,42,673.00	

4. In the instant case, by virtue of order dated 13.12.2019 the amount of difference under abovereferred heads became payable. Considering the provisions of Rules 129-A and 129-B of The Maharashtra Civil Services (Pension) Rules, 1982 difference amount of gratuity can be said to have become payable on expiry of three months from 13.12.2019 and remaining difference amounts can be said to have become payable on expiry of six months from 13.12.2019. The payments were admittedly made belatedly. I, therefore, hold that interest is required to be paid on the aforesaid amount of difference as per Rules 129-A and 129-B of The Maharashtra Civil Services (Pension) Rules, 1982. This payment shall be

made within three months from today. **The O.A. is allowed in these terms with no order as to costs.**

Member (J)

Dated :- 22/11/2024
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 22/11/2024
and pronounced on

Uploaded on : 25/11/2024