

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 563/2023 (S.B.)**

Vaijayanti Kirit Deshpande,
Aged about 65 years,
Retired Associate Professor,
R/o 303, Radhakrishna Niwas,
IT Park, Main Road Gayatri Nagar,
Nagpur - 22.

Applicant.

Versus

- 1) The State of Maharashtra,
Through it's Principal Secretary,
Higher & Technical Education,
Mantralaya, Mumbai- 400 032.
- 2) Director of Higher Education,
Central Building, Pune – 01.
- 3) The Director,
Vasantrao Naik Government Art & Social Science Institute,
Nagpur.

Respondents

Shri B.Kulkarni, Id. Advocate for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

JUDGMENT

Judgment is reserved on 05th April, 2024.

Judgment is pronounced on 17th April, 2024.

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. The applicant retired on superannuation on 28.02.2018. She was holding the post of Associate Professor. For release of retiral benefits she made representations (Annexures A-1 & A-2). She received amount of these benefits belatedly as shown in the chart (A-3):-

Statement in respect of Smt. Vaijayanti Kirit Deshpande as A-3						
Sr. No.	Description	Amount	Due Date of Payment	Date on which Paid	Delay	Remarks (9%) Interest
1	Revised Pension	Rs.1006087/-	07.09.19	21.10.22	3yrs, 1 month & 15 days	Rs.161095/-
2	Commutation of Pension	Rs.2248762/-	07.09.19	28.11.22	3 yrs, 2 months & 21 days	Rs.707158/-
3	Gratuity	Rs.700000/-	07.06.19	24.11.22	3 yrs., 5 months & 17 days	Rs.248848/-
4	General Provident Fund	Rs.3340000/-	28.02.18	10.12.18	9 months & 10 days	Rs.233715/-
5	Group Insurance Scheme	Rs.325000/-	31.03.18	14.09.18	5 months & 14 days	Rs.13405/-
Total						Rs.1364221/-

She claims interest on account of delayed payment. Hence, this Original Application.

3. Stand of the respondents is as follows:-

Generally the retiring person is in touch with the office so that, the formalities required for submitting the case of the retiring employee will be completed well in advance to the authority. However in case of the applicant, respondent No. 3 wrote letter dated 23.01.2018 and directed the applicant to contact concerned person to complete the formalities so that the pension case can be forwarded to the concerned authority for getting the pension and other retirement benefits. The copy of letter dated 23.01.2018 is filed herewith as Annexure-R-1. After receipt of the said letter, the applicant contacted concerned official in the office of respondent No. 3 and completed the paper work on 15.02.2018. The relevant papers are filed herewith collectively as Annexure-R-2. Form B (Part -1) for commutation of fraction of superannuation pension was filled by the applicant on 03.03.2018 which is evident from the copy of Form B attached herewith as Annexure-R-3. After completing the paper work immediately the pension case was submitted on same date i.e. on 03.03.2018. The copy of forwarding letter dated 03.03.2018 is filed herewith as Annexure-R-4. Similarly applicant was thereafter informed through letters dated 08.05.2018, 26.09.2018 and 26.11.2018 to come to the office of respondent No. 3 to put signature of the bill of GIS to submit it before the competent authority, Treasury Office. The aforesaid letters collectively filed as Annexure-R-5.

Further stand of the respondents is that amount of G.P.F. and G.I.S. could not be paid in time due to administrative exigencies and procedural delay. According to the respondents, prompt steps were taken by respondents 2 & 3, service book was directly sent to Pay Verification Unit, they raised queries which were answered, and outbreak of Covid too, caused delay in releasing retiral benefits.

4. From pleading of the respondents it can be gathered that for delay in releasing amount of retiral benefits the applicant was not at all responsible. Hence, the applicant would be entitled to get interest. The O.A. is allowed in the following terms. The respondents are directed to calculate extent of delay in releasing various items of retiral benefits, and pay interest on the same to the applicant as per Rule 129-A/ Rule 129-B of the Maharashtra Civil Service (Pension) Rules, 1982, **within three months** from today. No order as to costs.

Member (J)

Dated :- 17/04/2024

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 : 17/04/2024
and pronounced on

Uploaded on : 18/04/2024