

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.158/2019 (S.B.)

1. Smt. Asha wd/o Shaliendra Dhabarde,
Aged about 57 yrs., Occ: Nil.
2. Shri Swapnil s/o Shailendra Dhabarde,
Aged about 29 yrs., Occ: Student.
3. Shri Shashank s/o Shailendra Dhabarde,
Aged about 27 yrs., Occ: Student.

All R/o Plot No.3, Aakansha Apart. Flat No.7,
Saraswati Vihar Colony, Trimurti Nagar, Nagpur.

... **APPLICANTS**

// V E R S U S //

- 1] The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai - 32.
- 2] The Senior Accounts Officer/P.F.-20.
The Accountant General,
(Accounts & Entitlement) – II,
Maharashtra, Nagpur - 440 001.
- 3] The Commissioner (Admn.),
Women & Child Welfare,
Maharashtra State, Pune.
- 4] The Warden,
Dr. Babasaheb Ambedkar Boy's School & Hostel,
Gaddigodam, Vasant Nagar, Nagpur.

... **RESPONDENTS**

Shri S.D. Shukla, Advocate for the Applicants.

Shri A.P. Potnis, learned P.O. for the Respondents.

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

Dated :- 08/01/2025.

J U D G M E N T

Heard S.D. Shukla, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the respondents.

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

Shailendra s/o Sukhadeorao Dhabarde was working as a Junior Clerk with the respondents and posted at Nagpur. Thereafter, he was promoted to the post of Senior Clerk. On 10/06/1999 he was transferred to Dr. Babasaheb Ambedkar Boy's School & Hostel, Gaddigodam, Nagpur under Respondent No.4. Shailendra Dhabarde suffered heart attack and died on 19/07/2004. On 04/08/2004, the applicant No.1 being a Widow of late Shailendra Dhabarde applied for pension and pensionary benefits. The applicant submitted that all the relevant documents to respondents as demanded by them. Despite this, respondents

till date have not released Provident Fund (P.F.) to the applicants. The applicants have received all other pensionary benefits except the amount of G.P.F. Hence, the applicants approached to this Tribunal for following reliefs:-

“1) issue appropriate writ or order/direction to the respondents to release the G. Provident Funds amount to the applicants alongwith interest @ 18% p.a. from the date amount fall due till the date of its realization;

(ii) grant any other or further relief including costs as may be deemed fit and proper in the circumstances of the case in the interest of justice.

8)(i) direct the respondents to release the G.Provident Funds amount to the applicants during the pendency of present O.A.”

3. Respondent No.2 has filed its reply and it is taken on record. The Respondent No.3 has also filed its reply and in the said reply it is submitted that on 27/04/2018 a letter was sent to Warden, Dr. Babasaheb Ambedkar Boy's School & Hostel, Gaddigodam, Nagpur. Thereafter all the relevant papers were submitted for payment of G.P.F. amount. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, learned Advocate Shri S.D. Shukla has submitted that till date the G.P.F. amount is

not paid to the applicants. Therefore, applicants are entitled for interest as per Rule and respondents be directed to pay within a period of one month. Learned P.O. Shri A.P. Potnis has submitted that all the necessary documents were submitted by Respondent No.2 and therefore, Respondent No.2 is not responsible.

5. It is clear that Shailendra Dhabarde died in the year 2004. It is within the knowledge of Respondent No.4. The deceased Shailendra Dhabarde was working under Respondent No.4, therefore, it cannot be said that Respondent No.4 was not aware about the death of deceased. Learned P.O. Shri S.A. Sainis has submitted that Respondent No.2 was not aware about the death of Shailendra Dhabarde. On what basis the statement is made is a question mark. The deceased Shailendra Dhabarde was working with Respondent No.4 and this fact is not disputed. Shailendra Dhabarde died in the Year 2004. The respondents have paid all other pensionary benefits. Applicants are getting pension etc., but till date the amount of G.P.F. is not paid by the respondents. Learned Advocate Shri S.D. Shukla has pointed out letter dated

27/04/2018 of A.G., Nagpur. The material part of letter is reproduced below:-

“अतः इस संदर्भ में यह कहा जाता है, कि इस कार्यालय में उपलब्ध दस्तावेजों के अनुसार अभिदाता स्व. श्री. एस. एस. धाबर्डे के भ. नि. नि. खाते में जमा राशी के अंतिम भुगतान हेतु प्रस्ताव इस कार्यालय को प्राप्त नहीं हुआ है। अतः आपसे अनुरोध है कि, अभिदाता स्व. श्री. एस. एस. धाबर्डे, भ. नि. नि. खाता क्र. MSBA-2867 के भ. नि. नि. अंतिम भुगतान हेतु प्रस्ताव इस कार्यालय को शीघ्र भेजे तथा प्रस्ताव विलंब से भेजने या अभितक न भेजने का कारण स्पष्ट करे।

विभाग द्वारा अंतिम भुगतान प्रस्ताव निर्धारित प्रारूप में जैसे कि आवेदन पत्र फॉर्म ‘सी’ में भरकर मृत्यु प्रमाणपत्र के साथ विद्व. प्रति में इस कार्यालय में प्राप्त होने पर आगे की कारवाई कि जा सकती है। तथा यह भी ध्यान रखें की अपेक्षित जानकारी के अभाव में मामले के निपटान में होने वाले विलंब के लिए यह कार्यालय जिम्मेदार नहीं होगा।

शीघ्र कारवाई अपेक्षित है।”

6. It appears that respondent No.2 is avoiding the liability. It was the duty of respondent No.2 to submit all the papers within a reasonable time for payment of G.P.F. amount, but it appears that since 2004 the Respondent No.2 is negligent for not complying the process for payment of G.P.F. amount. Therefore, applicants are entitled for interest as per Rule. Hence, the following order:-

ORDER

(i) O.A. is allowed.

(ii) The Respondents are directed to pay the amount of G.P.F. within a period of two months from the date of receipt of this order along with interest as per Rule from the year 2004 till the actual payment.

(iii) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :-08/01/2025.

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

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 08/01/2025.