

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 1057/2022(S.B.)

Shri Uttam S/o Kaniram Rathod,
Aged about 60 years, Occupation: Retired,
R/o 37, Vyanktesh Nagar, Arni Road,
Darwha, Dist. Yavatmal.

Applicant.

Versus

1. State of Maharashtra,
through Secretary,
Soil & Conservation Department,
Mantralaya, Mumbai-32.
2. District Water Conservation Officer,
Soil and Water Conservation Department, Washim.
3. Regional Water Conservation Officer,
Soil and Water Conservation Department, Amravati.
4. Upper Commissioner and Chief Engineer,
Soil and Conservation Department,
Vaingana Nagar, Ajni, Nagpur.
5. Commissioner,
Soil and Water Conservation Department,
Aurangabad.
6. Accountant General (Accounts and Entitlement),
Civil Lines, Nagpur.

Respondents.

Shri D.R.Rupnarayan, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 19th July, 2024.

JUDGMENT

Heard Shri D.R.Rupnarayan, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

Applicant was appointed as Junior Engineer in Maharashtra Engineering Research Institute, Nashik on 19.06.1982. The applicant performed his duty sincerely. He was transferred to Upper Wardha Canal Sub-Division no.-3 Arvi. Thereafter, at Mangrul Dastagir, District Amravati and thereafter at Ashti, District Wardha. The applicant was promoted on the post of Sub Divisional Soil Water Conservation Officer, Mangrulpir, District Washim in the year 2016. The applicant retired from the said post on 31.07.2020.

3. The applicant was not done work as per convenience of the Superior therefore respondent no.2 harassed the applicant. They have not paid pension and pensionary benefits within time. There was no any departmental enquiry against the applicant. Applicant received provisional pension in the month of May 2021 and it was stopped in the

month of August 2021. The respondents have granted regular pension in the month of September 2022. The applicant has received retiral benefits in the month of September 2022. The applicant was deprived of the pension and pensionary benefits near about two years. Therefore, applicant has filed the present O.A. for the following reliefs-

A) Direct the respondents to pay interest @10% per annum over delayed payment of pension and gratuity from the date it become due till realization as per the rules 129-A and 129-B of Maharashtra Civil Services (Pension) Rules, 1982;

B) be further pleased to direct the respondents to grant consequential benefits arising out of delayed payment of retirement benefits;

C) Saddle the costs of the proceedings upon the respondents;

4. The O.A. is strongly opposed by the respondents. It is submitted that because of Covid-19 there was delay to prepare the pension case. There was no any intentional delay on the part of the respondents. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for the applicant has pointed out documents filed on record and submitted that the office of respondent no.2 was working during Covid period. He has pointed out rejoinder and submitted that applicant was intentionally harassed by the respondent no.2 because he did not make any change in the bill as per the say of respondent no.2.

6. There is no dispute that there was delay on the part of respondents to pay the pension and pensionary benefits. There is no dispute that no any departmental enquiry was pending against the applicant.

7. Rule 27 of the Maharashtra Civil Services of Pension Rule is very clear. If there was no any pending departmental enquiry, then it is the duty of the employer / respondent no.2 to pay the pension and pensionary benefits within time.

8. Without any reason the respondent no.2 withhold the pension of the applicant. The documents show that during Covid period the office of respondent no.2 was working. Hence, the respondent no.2 cannot raise the defence because of Covid – 19 bill was not prepared. The applicant is entitled to get interest about the delayed payment of pension and pensionary benefits from the date of his retirement till the actual payment of the pension and pensionary benefits. Hence, the following order-

ORDER

1. The O.A. is allowed.
2. The respondents are directed to pay interest @6% p.a. on delayed payment of pension and pensionary benefits from 31.07.2020 till the actual payment of pension and pensionary benefits.

3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 19/07/2024.
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 19/07/2024.
