

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 558/2023(S.B.)**

Ishwar S/o Madhukar Moundekar,
Aged about 60 years, Occupation Retired,
R/o. Saibaba Nagar, Prem Nagar,
Shanti Nagar Colony Road, Nagpur-440 002.

Applicant.

Versus

1. State of Maharashtra,
Through the Secretary,
Ministry of Skill Development and Entrepreneurship,
Mantralaya, Mumbai-400 032.
2. The Joint Director,
Vocation and Training,
Regional Office,
Civil Lines, Nagpur-440 001.
3. The Principal,
Industrial Training Institute Amgaon,
Kidngipar, Tahsil Amgaon,
District Gondia.
4. The Senior Treasury Officer,
Office of Senior Treasury Officer,
Civil Lines, Nagpur-440 001.
5. The Sub Treasury Officer,
Amgaon, Tahsil Amgaon,
District Gondia.

6. The Account General Maharashtra-II,
Civil Lines, Nagpur-440 001.

Respondents.

Shri M.R.Patil, Ld. Counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 04th July, 2024.

JUDGMENT

Heard Shri M.R.Patil, learned counsel for the applicant
and Shri A.M.Khadatkar, learned P.O. for the Respondents.

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

The applicant was appointed on the post of Craft Instructor as per order dated 19.11.1985. On 29.02.2022, he retired on superannuation. The respondents issued an order dated 21.01.2021 and place the applicant on supernumerary post without following the provision of G.R.. This Tribunal has allowed the O.A.No.634/2021 and directed the respondents to pay the pension and pensionary benefits. The respondents have wrongly withheld the pensionary benefits and therefore, the applicant has filed the present O.A. for the following reliefs-

- i) to direct the respondent to make the payment of interest to the applicant as per details of entires mentioned at Sr. No.1 to 5 shown in the chart in para no. 4.5 at the rate of 12% delay beyond one year.*
- ii) Grant any other relief which the Hon'ble Tribunal may find deem fit and proper in facts and circumstances of the case.*

3. The respondents have filed reply. It is submitted that all the pension and pensionary benefits were paid to the applicant as per the chart given in para 5. At last submitted that the O.A. is without any merit and liable to be dismissed.

4. During the course of submission, the learned counsel for the applicant has submitted that the respondents wrongly withheld the pension and pensionary benefits of the applicant. Therefore, he is entitled for the interest on delayed payment. Therefore, prayed to allow the O.A..

5. The learned P.O. has pointed out operative part of the order of this Tribunal in O.A.No.634/2021 and submitted that no any direction was given to the respondents to pay any interest. Hence, the O.A. is liable to be dismissed.

6. The O.A.No.634/2021 was filed by the applicant before this Tribunal on 06.12.2022, the said O.A. was allowed. The impugned communication dated 21.01.2021 was quashed and set

aside. The respondents were directed to pay all the pension and pensionary benefits to the applicant within three months. This order is dated 06.12.2022 the operative part of the order is produced below-

(i) The O.A. is allowed.

(ii) The impugned order / communication dated 21/01/2021 is hereby quashed and set aside.

(iii) The respondents are directed to pay all the pensionary benefits to the applicant within a period of three months from the date of receipt of this order.

(iv) No order as to costs.

As per the chart, the respondents have paid most of the amount before the order of this Tribunal. The chart in para 5 is reproduced below-

Sr. No.	Pension Benefits	Amount	Date
1.	Group Insurance Scheme	1,63,598.00	04/08/2021
2.	Death-Cum-Retirement Gratuity	13,00,200.00	29/12/2022
3.	General Provident Fund	14,59,099.00	26/05/2022
4.	Commutation Pension as Arrears of Pension		25/01/2023
5.	Leave Encashment	9,21,960.00	05/04/2023

7. The applicant is well aware about the payment. There was no any issue in the earlier O.A.No.634/2021 to grant any interest to him. No such any direction was given by this Tribunal to the respondents to pay any interest. The respondents have complied the

order of this Tribunal dated 06.12.2022. Hence, the O.A. is without any merit. Therefore, the following order is passed-

ORDER

The O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 04/07/2024.
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 : 04/07/2024.
