

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 616/2023(S.B.)**

Ramu S/o Shrawan Parate,
Aged about 61 years,
Occupation Retired, R/o. Plot No. 116-A,
Lokmanya Nagar, Hingna Road,
Nagpur-440 016.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-400 032.
2. Director General of Police,
Shahid Bhagatsingh Marg,
Colaba, Mumbai-400 001.
3. Special Inspector General of Police,
Anti Naxalite Operation, Suraburdi,
Waddhamna, Amravati Road, Nagpur.

Respondents.

Shri M.R.Patil, Ld. Counsel for the applicant.
Shri M.I.Khan, 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 M.I.Khan, learned P.O. for the Respondents.

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

The applicant was appointed as Junior Clerk by order dated 27.06.1991. The applicant came to be retired on superannuation on 31.12.2009. This Tribunal passed the order directing the respondents to release regular pension and pensionary benefits within a period of three months. As per the order dated 21.12.2022 in O.A.No.734/2021, the applicant has not received the amount of pension and pensionary benefits within time. There is a considerable delay on the part of respondents therefore he has filed the present O.A. directing respondents to pay interest @12% p.a..

3. The O.A. is strongly opposed by the respondents. It is submitted that the O.A.No.734/2021 was filed by the applicant. In the said O.A., it was prayed by the applicant to direct the respondents to release the regular pension and pensionary benefits at the earliest along with interest @12% p.a.. till its realization or received by the applicant. This Tribunal not granted any interest.

4. It is submitted by the side of respondents that all pensionary benefits were paid in the month of 21.12.2022.

Therefore, there is no any delay. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned P.O. has pointed out the Judgment of this Tribunal in O.A.No.253/2018. He has pointed out para 15 of the order. Para 15 is reproduced below-

15. It is pertinent to note that the applicant was informed by the respondents that her representation is rejected. It was informed that the applicant herself is responsible for delay and therefore she is not entitled to get any interest. The applicant has filed the present O.A. for direction to the respondents to pay interest @18%. It is pertinent to note that the relief once decided, it cannot be again re-agitated. In O.A. 213/2016, the applicant prayed for direction to the respondents to finalise the pension case and grant interest @ 18%. This Tribunal has not granted the relief of interest to the applicant. Again she prayed for some relief in O.A.531/2017. Again the applicant prayed for interest in the present O.A.

5. The applicant had already filed the O.A.No.734/2021 for the following reliefs-

i) to direct the respondents to make the payment of interest to the applicant as per details of entries mentioned at Serial No.1 to 3 given in the chart in para no.4.5 at the rate of 12% as payment delayed beyond one year.

ii) grant any other relief which the Hon'ble Tribunal may find deem fit and proper in the facts and circumstances of the case.
Interim relief, if any, prayed for:

iii) The applicant is not praying for any interim relief as the matter pertains to the delay payment of pension and pensionary benefits.

6. The relief which was not granted cannot be re-agitated again. The applicant was granted relief as per order dated 21.12.2022. The operative part of the order is reproduced below-

- (i) The O.A. is allowed.*
- (ii) The respondents are directed to release regular pension and other pensionary benefits to the applicant within a period of three months from the date of receipt of this order.*
- (iii) No order as to costs.*

7. As per the direction of this Tribunal, the respondents have paid pension and pensionary benefits within three months from the date of receipt of this order. Hence, there is no any delay on the part of respondents to pay the pension and pensionary benefits to the applicant. Therefore, 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.
