

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 986/2023(S.B.)**

Dnyaneshwarsingh Raibhansingh Parihar,
a/a 61 yrs., Occ.- Pensioner, r/o A-1/4 Shri Complex,
Near Tine Tots School, Narendra Nagar,
Nagpur, Dist.- Nagpur.

Applicant.

Versus

1. The State of Maharashtra,
through the Chief Secretary,
Public Health Department,
New Mantralaya Building, 10th floor,
GT hospital campus, Near CST, Mumbai 400001.
2. The Director of Health Services,
Central building, Near Pune station,
Pune 411001.
3. The Deputy Director of Health Services,
Mata Kacheri, Near Diksha Bhumi,
Nagpur 440022.
4. The Deputy Director of Health Services,
(HIVS), Naidu Hospital Campus,
Canady Road, Pune 411001.
5. The Assistant Director of Health Services
(Leprosy), Near Hanuman Temple,
Bada Bazar, Bhandara 441904.

Respondents.

Shri V.R.Borkar, 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: - 05th December, 2024.

JUDGMENT

Heard Shri V.R.Borkar, learned counsel for the applicant
and Shri M.I.Khan, learned P.O. for the respondents.

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

The applicant had filed O.A.No.570/2021 for the
following reliefs-

A. *To quash and set aside the communication dated 10.06.2021
issued by the respondent No. 5, the Assistant Director, Health Service
(Leprosy) Bhandara.*

B. *To direct the respondents to release the pension and pay all
other consequential benefits to the applicant, with interest of 18%
per annum from the date of retirement i.e. 31.10.2020 within a
stipulated period.*

C. *To direct the respondent to release provisional pension and
pay all other consequential benefits to the applicant pending hearing
and final disposal of the Original Application.*

D. *To grant any other relief to which the applicant is entitled to.*

That O.A. was allowed by this Tribunal as per order dated 06.05.2022. This Tribunal has passed the following order-

- (i) The O.A. is allowed.*
- (ii) The impugned communication dated 10/06/2021 issued by the respondent no.5 is hereby quashed and set aside.*
- (iii) The respondents are directed to release the pension and pay all other consequential benefits to the applicant within a period of three months from the date of receipt of this order.*
- (iv) No order as to costs.*

3. The relief prayed in O.A.No.570/2021 in respect of grant of interest was not allowed. The respondents were directed to release the pension and all pensionary benefits within a period of three months from the receipt of this order. The applicant utmost can claim interest of the three months from the date of receipt of this order. From 06.05.2024, the applicant has claimed interest from the date of retirement. Hence, in view of the Judgment in O.A.No.570/2021, relief which was prayed not granted by this Tribunal cannot be again agitated.

4. The learned P.O. has pointed out para nos.11 and 12 of the reply. As per the submission of learned P.O., Contempt Petition was filed by the applicant. As per the order of this Tribunal, after sanction from the higher authority pension was paid to the applicant

as per chart given in para 13 in the reply. Para 13 is reproduced below-

13] Thereafter by the office of Respondent No. 4 has immediately sent the proposal to the Treasury Office, Nagpur vide letter dated 21.10.2022 for verification and start the pension to the applicant. It is submitted that, the Respondent has paid the all benefits to the applicant which is as follows:-

Sr. No.	Item	Rupees	Date
1	General Provident Fund (GPF)	Rs.1,15,437/-	Dt.12.01.2021
2	The Leave Encashment	Rs.6,64,560/-	Dt.28.11.2022
3	Group Insurance Scheme (GIS)	Rs.49,134/-	Dt.17.12.2020
4	Gratuity	Rs.6,39,000/-	Dt.15.12.2022
5	Commutation	Rs.11,41,135/-	Dt.02.02.2023
6	Pension	Rs.28,400/-	Paid by Treasury

That the answering respondent humbly submits that, there is no intentionally delayed occurred by the answering respondent and it was an administrative delay and some complaints and inquiry against the applicant. It is submitted that, as per the all aforesaid facts and circumstances the applicant is not entitled for any interest hence same application is rejected in the interest of justice.

5. The applicant has claimed interest from the date of retirement. The operative part of the order in O.A.No.570/2021 is very clear. The respondents were directed to pay pension and pensionary benefits within a period of three months from the date of

respect of this order. Thereafter, the Contempt Petition was filed. The interest claimed in this O.A. is not correctly calculated. Hence, the following order-

ORDER

1. The O.A. is dismissed.
2. The applicant is at liberty to file fresh O.A., if he desires.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 05/12/2024.
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 : 05/12/2024.
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