IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.650 OF 2015 IN
WRIT PETITION NO.1505 OF 2014

The Superintendent of Police,
Nanded and others ... APPLICANTS

VERSUS

Prabhakar s/o Ramrao Kulkarni ... RESPONDENT

.....
Shri S.S. Tope, Incharge Govt. Pleader for applicants
Shri A.S. Deshpande, Advocate for respondent
.....

CORAM: S.V.GANGAPURWALA &
A.I.S. CHEEMA, JJ.

DATED: 27th March, 2015.

ORAL ORDER :

1. This application is filed seeking modification of the order dated 13.8.2014 passed in Writ Petition No.1505/2014. Mr. Tope, the learned Incharge Government Pleader submits that the present application for modification is filed only to the extent of grant of rate of interest. This Court has granted interest at the rate of 12% p.a. and the calculation was made by the office of

respondent at the rate of 12% by mistake. There is a notification issued by the Government on 1.11.2008, by virtue of which, amendment has been made in Section 129-A of the Maharashtra Civil Services (Pension) Rules. According to the learned Incharge Government Pleader, the rate of interest after 1.11.2008 applicable would be the rate applicable to the General Provident Fund deposits. The rate of interest applicable to the General Provident Fund deposit is 8%. As such, the rate of interest will have to be calculated at the rate of 8%. Mr. Deshpande, learned counsel for the respondent states that till the date of notification dated 1.11.2008, the rate of interest will have to be calculated at the rate of 12% p.a. and only after the notification, the respondents can claim right to calculate interest at the rate of 8%. The learned counsel submits that, however, the respondents themselves have calculated the figure of amount payable by way of interest. As such, the order need not be modified.

2. We have considered the submissions. The respondent has given the chart calculating the amount of interest that would be payable to the petitioner. However, in the chart the respondents have calculated interest at the rate of 8% from the

year 2003-2004 and from 2001-2002 at 9.5%. The same would not be permissible. The notification dated 1.11.2008 would apply prospectively and not retrospectively. Till 1.11.2008, rate of interest will have to be calculated at the rate of 12% p.a. as was the rate specified in the statute.

3. In light of the above, we modify the order dated 13.8.2014 as under :

The respondent shall pay interest on the delayed payment to be calculated since June 1999, towards the late payment of gratuity at the rate of 12% p.a. till 31.10.2011 and thereafter from 1.11.2011, as per the prevalent rate applicable to the General Provident Fund deposits, till the date of payment. Civil Application accordingly partly allowed.

(A.I.S. CHEEMA, J.) (S.V. GANGAPURWALA, J.)

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