

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO.96 OF 2003

Shri Ghanashyam Deochand Dhande,
Age 60 years, Occu. Retired,
R/o "Sandish", Plot No.26, Gat No.33,
Muktai Nagar, Opposite J.D.C.C. Bank Colony,
Jalgaon, Taluka and District Jalgaon. ... PETITIONER

VERSUS

1. Joint Director of Higher
Education, Jalgaon Division,
Jalgaon, District Jalgaon.
2. Director of Higher Education,
Maharashtra State, Central Building,
Pune, District Pune.
3. Under Secretary, Government of
Maharashtra, Higher & Technical
Education, Mantralaya Extension
Bhavan, Mumbai – 32
4. Principal, Smt. P.K. Kotecha Mahila
Mahavidyalaya, Bhusawal,
Tal. Bhusawal, District Jalgaon
5. The State of Maharashtra
(Copy to be served on the A.G.P.
High Court, Bench at Aurangabad) ... RESPONDENTS

.....
Shri V.Y. Patil, Advocate for petitioners
Shri B.N. Patil, A.G.P. for State
Shri P.R. Katneshwarkar, Advocate for respondent No.4
.....

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

DATED: 15th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Mr. Patil, learned counsel for the petitioner submits that the petitioner was entitled for the pay scale of Principal from the year 1987. The petitioner was awarded the same pay scale in the year 1999. The difference of salary which the petitioner was entitled from 1987 to 1999 was paid to the petitioner on 12.8.1999 i.e. Rs.64,835/-. The learned counsel submits that the petitioner is entitled for interest at the rate of 12% p.a. on the said amount of delayed payment of the pay scale till the date of realisation of the interest amount i.e. up to March 2015. the learned counsel submits that, interest amount of Rs.63,000/- and odd has been paid in March 2015. In fact as per the Government Resolution, the respondent ought to have paid interest at that time itself, but has paid the said amount at a belated stage only after the writ petition came up for final hearing and this Court had directed the respondent vide order dated 26.2.2015 to calculate the amount.

2. The learned counsel relies on the following orders passed by the Supreme Court and by this Court to contend that the petitioner is entitled for interest till the realisation of the amount.

- (I) Special Leave Petition (C) Nos.17039-17040 of 2008
(Khandesh College Education Society, Jalgaon & anr. Vs. Arjun Hari Narkhede & ors.)
- (II) Writ Petition No.4374/2009
(Shri Pramodkumar s/o Mugatlal Shah Vs. The State of Maharashtra & others)
- (III) Writ Petition No.6625/2013
(Mrs. Shashikala Baliram Kolhe & ors. Vs. The State of Maharashtra & ors.)

3. The learned A.G.P. submits that the petitioner was paid difference of the amount of pay scale from 1987 to 1999 i.e. Rs.64,835/- on 12.8.1999. The interest amount is calculated for the said period and the said interest amount works out to Rs.63,000/- and odd. The same has also been paid to the petitioner on 13th March 2015. As such, the grievance with regard to payment of interest does not remain and the relief claimed by the petitioner does not survive.

4. We have considered the submissions canvassed by the

learned counsel for the respective parties. The difference of the pay scale which the petitioner is entitled from 1987 has been paid on 12.8.1999. The amount of difference works out to Rs.64,835/-. Naturally, the petitioner was entitled for interest on the said amount for the delayed payment. The interest of Rs.63,000/- and odd has been paid on 13.3.2015. Naturally, the petitioner would not be entitled to the amount of interest on interest. The difference amount has been released on 12.8.1999. Up to that date, the petitioner would be entitled for interest and that has been paid.

5. Such amount has been paid in March 2015 i.e. belatedly, after lapse of 16 years. There is no explanation for the delay that has been caused in making the payment of interest. In light of that, we direct the respondents to pay costs of Rs.25,000/- to the petitioner for the delayed payment of interest. The costs to be paid within eight weeks. Writ Petition accordingly stands disposed of. No costs.

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

(S.V. GANGAPURWALA, J.)