

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7869 OF 2014

SUDINA RUBJI VALVI
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Petitioner : Mr. Magare Ajaykumar G.
 AGP for Respondents: Mrs. S. A. Dhumal

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CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.

DATE : 17th June, 2015

PER COURT :

1. Mr. Magare, the learned counsel for the petitioner submits that the petitioner stood retired on attaining age of superannuation on 31.01.2006. The pension amount was paid only from month of May, 2014. According to learned counsel, for late payment of pension amount, the petitioner is entitled for interest in view of Rule 129 (a) and (b) of the Maharashtra Civil Services (Pension) Rules. According to learned counsel, the petitioner had to approach this Court for seeking directions against the respondents for completing service book. Learned counsel submits that the respondents be directed to pay interest @ 10% per annum from 2006 till May, 2014.

2. Learned AGP submits that the break in service was condoned only in the year 2010. Thereafter, steps were taken to compute service by considering condonation of break in service. Thereafter, petitioner was given benefit of higher pay scale considering his 12 years continuous service. All this has caused procedural delay. It is not a case of deliberate

delay being caused on the part of the authorities.

3. We have considered the submissions canvassed by the learned counsel for the respective parties and also the perused the orders passed.

4. It is settled proposition that pension is not a bounty. The same is hard earned money and property of an employee who has retired on attaining age of superannuation. Laxity on the part of authority in payment of pension amount gives right to the employee to claim interest on the pension amount.

5. There was break in service of one day of the petitioner. Vide order dated 13.08.2010, the said break of one day in service was condoned. In view of the condonation of break in service, the petitioner was entitled for the higher pay scale on completing 12 years of continuous service and for that purpose, directions were given to the Headmaster by the authorities to complete the service book of the petitioner and to forward the assessment report for last five years. On receipt of the same, service book was completed and higher pay scale was granted so also time bound promotion. The said order was passed on 20.03.2013. Considering all the aspects of the matter, it cannot be said that till 20th March, 2013 there was any laxity on the part of the authorities. It is only because only after condonation of break in service, the petitioner was found entitled for the time bound promotion.

6. In the light of aforesaid aspects of the matter, it would not be proper to grant interest on the said pension amount from the earlier date. Of course, the steps ought to have been taken to pay interest on the amount after 20th March, 2013. In view of Section 129(a) and (b) of the Rules, the petitioner would be entitled for interest.

7. In the light of that, we pass following order.

1. The Respondents shall pay interest on the amount of pension, its arrears payable to the petitioner for a period from 1st April, 2013 to 13th April, 2014 @ 8% per annum. The said interest amount be paid expeditiously preferably within six months.

2. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC