

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

WRIT PETITION NO.325 OF 2005

1. The State of Maharashtra
Through Secretary
Medical Education & Drugs Dept,
M.S.Mumbai-32. **..PETITIONERS**
(Ori. Respondent)
2. The Commissioner,
Food and Drugs Administration
M.S.Mumbai

VERSUS

Habib Chandulal Tamboli,
Age-53 years, Occu-Service
(As Supervisor [Food], Foods and
Drugs Administration-Presently
under Suspension)
R/o. "Havilah", Silk Mill Clny,
Aurangabad **...RESPONDENTS**
(Ori.Applicant)

Mr.S.S.Raut, AGP for the respondent/State.
Mr.Mrs.V.A.Shinde h/f Hemant Survey, Advocate for the
sole respondent.

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.**

DATED : 09.10.2015**ORAL JUDGMENT [PER: A.V.NIRGUDE, J.]**

1. This petition challenges judgment and order dated 29.06.2004, passed by learned Members of the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad allowing respondent's application and directing the petitioners to pay interest on delayed payment.

2. ***The facts are as under:-***

The petitioner was promoted as a Supervisor on 17.06.1988. His pay was fixed to his benefit and he was accordingly paid. Subsequently, the Pay Verification Unit raised an objection, and his pay was fridged at Rs.2240/- in 1992. The Pay Verification Unit also suggested that certain amount should be recovered from the respondent. The respondent filed Original Application No. 26 of 1998 before the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad and after due contest the same was allowed on 04.05.2001.

3. The Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad directed present petitioner not to

make any recovery from the respondent and to fix his pay etc. Even a Writ Petition filed against this order came to be dismissed in June, 2002. The respondent thereafter filed Contempt Petition in 1988 for recovery of amount and ultimately the department disbursed the payment on 21.09.2002. But they did not pay interest on delayed payment. The respondent then filed the present A.O. before the Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad for recovery of interest on delayed payment in 2003. The Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad rightly noticed that there was delay in making the payment because the claim of the respondent was right since 1988 and that he received his claim amount in September, 2002.

4. While appreciating the facts of the case. The learned Members of Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad rightly referred to the circumstances through which the respondent had to undergo like filing of Contempt Petition etc. The Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad rightly held that the respondent was kept away from his claim on account of gross lapse on the part of the petitioner authority.

5. We find no error in appreciation of facts of this case by Maharashtra Administrative Tribunal, Mumbai Bench at Aurangabad. The petition deserves to be dismissed and accordingly disposed of.

6. Rule discharged.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]