

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1274 OF 2012**

Ms. Coelho Pascola

..... Petitioner.

V/s

The State of Maharashtra
and Others

..... Respondents.

Mr. C.R. Sadasivan for the Petitioner.

Mr. D.A. Nalavade, Government Pleader for Respondent Nos.
1 and 2.

Mr. A.G. Kothari for Respondent Nos. 3 and 4.

**CORAM: V. M. KANADE &
SMT. ANUJA PRABHUDESSAI, JJ.**

**Order reserved on : 27/11/2014
Order pronounced on : 07/01/2015
(In Chamber at 2.35 P.M.)**

P.C.:- (Per V.M. Kanade, J.)

1. The only question which remains for consideration in this Petition before this Court is : whether the Petitioner is entitled to claim interest on the delayed payment of pension and other dues payable to the Petitioner.

2 Petitioner has filed this Petition seeking various reliefs for non-payment of pension and other benefits during the pendency of the Petition. Petitioner has been paid all her dues.

3. The learned Counsel appearing on behalf of the Petitioner submits that the Petitioner is entitled to get interest due on the following amounts viz. **(a)** provident fund amount of Rs 4,36,995/- from 01/05/2011 till 24/09/2012 @ 8% for 17 months, **(b)** arrears of pension of Rs 5,69,024/- from 01/05/2011 till 25/02/2014 @ 8% for 34 months and **(c)** Gratuity amount of Rs 3,23,360/- from 01/05/2011 till 04/02/2014 @ 8% for 33 months. The total amount of interest comes to Rs 2,49,643/-.

4. On the other hand, the learned Counsel appearing on behalf of the State submitted that the pension papers are to be submitted six months prior to retirement and the Petitioner signed the pension papers on the last date of her superannuation i.e. on 30/04/2011. He submitted that certain compliances were not made as directed by the Respondents and, therefore, there was delay on the part of the Management in submitting the papers.

5. The learned Counsel appearing on behalf of the Petitioner, however, submitted that the pension claim was submitted to the Respondents/State in April 2011 and after one year an objection was raised that name of the Petitioner was wrongly spelt in one of the documents and these papers were sent back. Thereafter, again, immediately the said

mistake was corrected. He then submitted that an objection was also raised that the provident fund contribution payable by the Management was not paid. He submitted that the Management without going into the correctness or otherwise of the said objection deposited the said amount. Even thereafter, pension amount was not paid and it was only after the Petition was filed in this Court, payment was made in 2012. The monthly pension was transferred to Pension Account on 01/03/2014. The commuted pension was paid on 26/02/2014 and the Provident Fund was paid on 24/09/2012.

6. In our view, there is clear delay in respect of payment of pension arrears atleast from January 2013. Petitioner, therefore, is entitled to get 8% interest on the following amounts viz. **(a)** arrears of pension of Rs 5,69,024/- **(b)** commuted pension of Rs 4,06,027/- **(c)** payment of Gratuity amount of Rs 3,23,360/- from January, 2013. Respondents 1 and 2 are directed to pay the interest on the aforesaid amounts from January, 2013 @ 8% per annum till the payment of the said amount from the respective dates. With this direction Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(V.M. KANADE, J.)