

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.**

CIVIL APPLICATION (CAW) NO.201 OF 2015

AND

WRIT PETITION NO.461 OF 2014

Smt. Neelima Shivshankar Pachauri

..vs..

**State of Mah., thr its Secretary, Department of Education,
Mantralaya, Mumbai and ors**

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Mrs. H.N. Prabhu, counsel for the Petitioner.

Shri D.M. Kale, AGP for R-1.

Smt. Neeta Jog, counsel for R-2.

CORAM

**: B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**

DATE

: FEBRUARY 4, 2015.

Heard Mrs. H.N. Prabhu, learned counsel for the applicant/petitioner, Shri D.M. Kale, learned Assistant Government Pleader for respondent No.1 and Smt. Neeta Jog, learned counsel for the other respondents.

Smt. Neeta Jog, learned counsel, is seeking time to file reply to the civil application. However, we find that the petitioner has mostly

.....2/-

accepted the compliance as reported by the Chief Executive Officer in Communication dated 5.1.2015 sent to the petitioner.

Mrs. H.N. Prabhu, learned counsel for the petitioner, submits that the amount credited in account of the petitioner in Bank of India on 31.12.2014 does not represent the amount of withheld increment but its on account of difference in Fifth and Sixth Wage Revisions. She further submits that the demand for interest for belated payment at 24% is not looked into. According to her, though the amounts are mostly accepted, period within which the same shall be received by the petitioner is not disclosed.

Smt. Jog, learned counsel, points out that the petitioner has not produced the Communication by which she received intimation of credit of amount to her account on 31.12.2014. She further submits that within reasonable time, the payment will be made to the petitioner and at that time liability to pay interest will be looked into in accordance with law.

Learned Assistant Government Pleader submits that interest, if any, may be payable under Rules 129A and 129B of the Maharashtra Civil Services Pension Rules, 1982.

After considering the controversy, we do not find it necessary to adjourn the matter. If the petitioner has not received arrears on account of difference in Fifth and Sixth Wage Revisions, it is open to her to make grievance independently. If the payment is not made within stipulated time, while releasing it the issue of interest can also be looked into as per the Rules 129A and 129B mentioned *supra*.

We, therefore, direct respondent No.2 to complete the exercise and to see that the petitioner receives all her arrears by 15.5.2015. The interest till that date in accordance with the Rules mentioned *supra* shall also be paid to the petitioner as per law. If, thereafter, any grievance of the petitioner survives, she is at liberty to raise it before the appropriate forum in

accordance with law.

With these directions, we dispose of the writ petition as also civil application. No costs.

JUDGE

JUDGE

!! BRW !!

...../-