

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

WRIT PETITION NO.5749 OF 2013

Shri Rajaram Dhonduji Tembhurkar and ors

..vs..

The State of Mah., thr its Secretary, 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

Shri S.M. Prasad, counsel for the Petitioners.
Shri M. Mourya, counsel for R-2 to 6.
AGP for R-1.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : JANUARY 13, 2015.

Heard.

Shri S.M. Prasad, learned counsel for the petitioners, states that, though pension amount has been paid, interest for delay, in accordance with the provisions of Rules 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982, has not been paid.

Shri M. Mourya, learned counsel for respondent Nos.2 to 6, invites our attention to

.....2/-

reply affidavit filed, by Dr. Kisan S/o Zitaji Rathod, the District Health Officer, Zilla Parishad, Yavatmal. He submits that one Smt. Tembhurkar, in the office of respondent No.5 - Block Development Officer, has consumed time of about 11 months and hence, action has been taken against that employee. He further submits that for such delay, the interest should not be awarded.

Shri S.M. Prasad, learned counsel for the petitioners, submits that the interest for delayed period is statutory right of the petitioners.

The provisions of Rules 129-A and 129-B of the MCSR Rules, are very clear. The petitioners are entitled to interest as stipulated therein for the delayed period.

The reason for delay is immaterial. We, therefore, direct the respondents to compute the period of delay and pay the petitioners interest for said period at rate stipulated in above mentioned Rules, within a period of three months. The respondents are free to recover that amount from the employees for such delay

or causing obstacles.

With these directions, we allow the writ
petition with no order as to costs.

JUDGE

JUDGE

!! BRW !!