

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6062 OF 2014

[Smt. Preeti wd/o Naidhruo Dhanvijay .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri N.D. Thombre, counsel for the petitioner,
Shri K.L. Dharmadhikari, AGP for respondent no.1,
Shri W.G. Paunikar, counsel for respondent nos.2 and 3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 01, 2015.

By this petition, the petitioner seeks a direction to the respondents to pay an amount of Rs.3,24,428/- as interest on delayed pensionary benefits.

According to the petitioner, there is a delay in payment of gratuity, GPF amount, medical leave payment, leave encashment, pension, GIS, GIS saving pass and linked insurance to the petitioner, after the death of her husband on 19.12.2011, while in service.

Shri Paunikar, the learned counsel for the respondents, states that the delay in making the payment of the amount against the aforesaid heads is not due to the negligence on the part of the Zilla Parishad and the same is not attributed to the Zilla Parishad. It is stated that, in any case, the petitioner would be entitled to interest on delayed payment of gratuity and pension only and not in respect of the delayed payment towards medical leave, leave encashment, GIS, Linked Insurance etc.

On hearing the learned counsel for the parties and on a perusal of the provisions of the Maharashtra Civil Services

(Pension) Rules, specially Rule 129-A and B thereof, it appears that the respondent-Zilla Parishad would be liable to pay interest to the petitioner on the delayed payment of gratuity and pension and it does not appear that the delay in making the payment of pension and gratuity is attributable to the petitioner. It appears, on a reading of the affidavit-in-reply filed on behalf of the respondent-Zilla Parishad, that there was no action on the part of the Zilla Parishad to ensure the payment of gratuity and pension to the petitioner as per the provisions of the Pension Rules. We, however, find that the petitioner would not be entitled to interest on delayed payment of GPF, medical leave payment, leave encashment, GIS, GIS saving pass and linked insurance, as claimed by the petitioner in paragraph 16 of the writ petition. At least, no provision of law is pointed out to us by the learned counsel for the petitioner to seek interest on delayed payment of amount towards the aforesaid heads. The judgments reported in 2002 (5) Bom.C.R. 387 (John B. Braganza, Retired Section Officer of the High Court of Bombay .vs. Honourable Chief Justice, through the Registrar and others), 2008 (2) Bom.C.R. 839 (Sakharam Parasharam Ghaste .vs. Municipal Corporation of Brihanmumbai) and 2014 (1) ALL MR 163 (State of Maharashtra and others .vs. Satyadeo Nandakishore Awashti and another) and relied on by the learned counsel for the petitioner cannot come to the rescue of the petitioner for seeking interest on delayed payment of GPF amount, medical leave payment, leave encashment, GIS, GIS saving pass and linked insurance to the petitioner. We also find that though interest is payable on delayed payment of pension, after a lapse of six months from the date of retirement or death, the petitioner has claimed interest from the expiry of period of three months from the date of death of her husband.

Hence, in the circumstance of this case, we dispose of

the writ petition with a direction to the respondent-Zilla Parishad to pay interest in accordance with the provisions of the Pension Rules to the petitioner towards delayed payment of gratuity and pension, within a period of four months. Order accordingly. No order as to costs.

JUDGE

Gulande

JUDGE