FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3791 OF 2005

Murlidhar S/o Kanaihyalal Joshi Vs. The State of Maharashtra and others.

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

Mr.Amit A.Mukhedkar, advocate for the Petitioner.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.Vivek Bhavthankar, advocate for Respondent No.2.

CORAM : S.V.GANGAPURWALA AND N.W.SAMBRE,JJ.
Date : 15.09.2016.

PER COURT :

1. Heard.

2. Vide the present Writ Petition, interest on delayed payment of retiral benefits and pension is claimed. The learned counsel for the petitioner states that the petitioner stood retired on attaining the age of superannuation on 30.6.2002. The pension amount is paid to the petitioner on 20.5.2004. The Respondents are supposed to process the pension papers prior to six months of the date of retirement of an employee. After retirement frivolous objections were raised by the Respondent. The petitioner gave the details of each and every aspect immediately. Even the Accountant General,

Nagpur had sanctioned the pension amount and the retiral benefits on 28.7.2003. However, the same was paid to the petitioner only on 20.5.2004. As per the Government Resolution applicable, the petitioner is entitled for interest at the rate of 12% p.a. on the delayed payment of pension.

3. Mr.Bhavthankar, learned counsel for the Municipal Council submits that there were audit objections. The petitioner had withdrawn some advances. The details of the same were not given. No dues Certificate was issued on 15.6.2004 and thereafter immediately the payment was made. The delay can not be attributed to the Respondent Municipal Council.

4. We have also heard learned A.G.P.

5. By now it is well settled that pension is not a bounty but hard earned income of an employee. The fact that the petitioner stood retired on 30.6.2002 is not disputed. It is also not disputed that the petitioner is paid the retiral benefits and the pension amount on 20.5.2004. After perusing the affidavits filed on record and the order of pension admissible dated 28.7.2003, it is clear that the delay can not be attributed to the petitioner. The Respondent Municipal Council was required to take steps and process the pension papers prior to the retirement of the petitioner. In not doing so, the Respondent Municipal Council abdicated its duties. When the admissible pension and gratuity was sanctioned and the said

amount has been held admissible by the Accountant General, Nagpur has been paid, there was no reason to pay the said amount immediately on the sanction of it.

6. Considering the fact that delay can not be attributed to the petitioner in payment of pension amount, the Respondent Municipal Council is required to pay interest for the delayed payment.

7. In the result, we pass the following order :

a) The Respondent Municipal Council shall pay interest at the rate of 12% p.a. on the delayed payment of pension and retiral benefits for the period 1.8.2003 to 19.5.2004. The said interest be paid expeditiously and preferably within six (6) months.

b) Rule accordingly made absolute in above terms. No costs.

(N.W.SAMBRE,J.) **(S.V.GANGAPURWALA,J.)**

Dt.15.09.2016.
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