

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

WRIT PETITION NO.1532/2016

Mahadeo s/o Dadarao Rakhe

...Versus...

Union of India, Employee Provident Fund, Ministry of Labour and Employment,
Government of India, New Delhi 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 V.B. Bhise, Advocate for petitioner
Shri H.N. Verma, Advocate for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 13.06.2016

By this writ petition, the petitioner seeks a direction to the respondent nos.2 and 3 to forthwith release the pension of the petitioner with interest.

The petitioner was appointed as a Senior Clerk in the Maharashtra State Cooperative Cotton Growing Marketing Federation Limited, Yavatmal and after he retired from service on attaining the age of superannuation, he started receiving monthly pension w.e.f. 2.6.2005. Though the monthly pension was received by the petitioner from 11.2.2007 to 30.6.2007, the respondent nos.2 and 3 stopped releasing the pension in favour of the petitioner. The petitioner has, therefore, sought the aforesaid direction against the respondents.

The respondents have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that as there were certain

discrepancies in the documents submitted by the petitioner, the payment of monthly pension was stopped. It is submitted that the arrears of pensionary benefits have been released in favour of the petitioner during the pendency of the writ petition and the petitioner is also paid the regular monthly pension. It is stated that in view of the aforesaid, the grievance of the petitioner should not survive.

We, however, find on hearing the learned Counsel for the parties that the monthly pension of the petitioner could not have been stopped abruptly as the petitioner had started receiving it since 11.2.2007. Also, the petitioner was made to run from pillar to post to seek the monthly pension that was suddenly stopped on 30.6.2007. If there were some discrepancies in the documents submitted by the petitioner, the respondents should have done the needful within a short time. The monthly pension of the petitioner was however not released to the petitioner from 1.7.2007 till February, 2016. The arrears of pension were released only on 29.2.2016. In the circumstances of the case, we direct the respondents to pay interest on the arrears of pensionary benefits @9% per annum from 1.7.2007 till 29.2.2016, within a period of two months. If the petitioner is of the view that the petitioner is entitled to enhancement in the monthly pension amount, the petitioner is free to take appropriate steps.

Order accordingly. No costs.

JUDGE

JUDGE