IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11837 OF 2016

Vikram Ganesh Ashtekar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. C. Darandale, Advocate for the Petitioner.
Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1 and 4.
The respondent Nos. 2 to 5 served.

CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.
DATE : 06TH DECEMBER, 2017.

FINAL ORDER :

. The petitioner has filed this petition alleging that, pension is not paid to him from February 2016. The same be directed to be paid along with interest.

2. Mr. Darandale, the learned advocate for the petitioner submits that, after present writ petition is filed, the respondents have made payment of pension amount to the petitioner only on 17.06.2017. The petitioner on attaining age of superannuation retired in the year 2011. He was sanctioned pension. On 23rd November, 2015, the petitioner applied to the respondents to transfer pension payable to him from Akola to Ahmednagar. The

respondents did not take immediate steps to transfer the said pension account to Ahmednagar from Akola. In fact, only simple process is required to transfer the pension payment order, if the same is within the State of Maharashtra. The treasury office concerned has to arrange to transfer documents directly to the concerned treasury under intimation to the Accountant General. Instead of following said procedure, the respondents followed the procedure which is required to transfer the pension account out side the State of Maharashtra. There was total lethargy on the part of the respondents in transferring the pension account of the petitioner at Ahmednagar. In fact, the respondents stopped the payment of pension from February 2016. The learned advocate submits that, the petitioner is entitled for interest on the said amount of the delayed payment. The learned counsel relies on the judgment of the Apex Court in a case of **Dr. Uma Agrawal Vs. State of U. P. and another** reported in ***(1999) 3 SCC 438***.

3. The learned Additional Government Pleader for respondent Nos. 1 and 4 submits that, the petitioner was sanctioned pension promptly after he retired in the year 2011 and was receiving the pension amount. On 23rd November, 2015 after he filed an application seeking transfer of said pension account from Akola to Ahmednagar, the treasury office Akola under letter dated 29.12.2015 had intimated to the office of the Accountant General

about the choice exercised by the petitioner to draw his pension from Ahmednagar. The respondents vide letter dated 16.02.2016 addressed to the treasury officer requested to return the revised P. P. O. The same was returned by the treasury office Akola on 27.06.2016 stating that the petitioner was last paid upto January 2016. It was further noticed that, there was discrepancy in the non payment certificate furnished by the treasury office Akola under letter dated 27.06.2016. Though the office of the Accountant General had issued revised order of pension of Rs. 14,385/- on 29.04.2014, but petitioner was paid pension at the rate of Rs. 13,860/-. Some time was lost in correction of the same. The learned Addl. G. P. submits that, arrears have also been paid with regard to short fall. The petitioner has been paid pension upto date.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. It is settled proposition that pension is not bounty and it is hard earned income of an employee and the pension has to be promptly paid. Even under the Maharashtra Civil Services (Pension) Rules same has to be paid within six months to an employee retiring from service on attaining age of superannuation.

6. In the present case, the petitioner has been paid pension promptly upon his retirement on attaining age of superannuation. There is no dispute with regard to the same. However, it appears that, on 23rd November, 2015, the petitioner intimated that, he intends to draw pension from Ahmednagar instead of Akola. The petitioner was drawing pension at Akola earlier. After the said intimation was received by the respondents, then the correspondence took place. Subsequently, it transpired that though the office of the Accountant General issued order on 29.04.2014 to give revised pension to the petitioner at the rate of Rs. 14,385/-, the petitioner was being paid pension at the rate of Rs. 13,860/-. In fact, the petitioner also at no point of time made a grievance about the fact that, he is receiving less pension. The office of the Accountant General on its own after having found that the petitioner is being paid less pension, again directed the treasury office to pay him revised pension. Subsequently, it took time for office to pay the arrears of the revised pension with effect from 01.03.2011 to 31.01.2016. It is not the case that, the petitioner had made any grievance about non payment of pension at the rate of Rs. 14,385/- and that respondents had made delay. It is on its own volition the office of Accountant General considered that the petitioner is being paid less pension and thereafter steps were taken to pay the revised pension along with the arrears.

7. It appears that, the delay that has been caused in making the payment to the petitioner after the petitioner intimated for change of place to receive the pension amount is on account of the fact that, the office of the Accountant General noticed that less amount is paid to the petitioner and directed correction of the pension amount and thereafter arrears are paid. The delay in making the payment at Ahmednagar as per choice of the petitioner was not intentional and it appears that, the delay was due to reasons as discussed above.

8. It is not disputed that, the petitioner has received entire arrears and now receiving pension amount regularly.

9. In the light of the above, we are not inclined to grant the interest to the petitioner. The writ petition is disposed of. No costs.

[S. M. GAVHANE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Dec. 17