

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2236 OF 2015

Dr. Prabhakar Sheshrao Kadam .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri. P. R. Katneshwarkar, Advocate for Petitioner.

Miss. P. V. Diggikar, A.G.P. for Respondent No. 1.

Shri. V. G. Sakolkar, Advocate for Respondent No. 2.

CORAM : S.V. GANGAPURWALA AND

R. G. AVACHAT, JJ.

DATED : 29th November, 2018

PER COURT:

. Mr. Katneshwarkar, learned counsel for the petitioner submits that after filing the present writ petition the pension amount has been paid to the petitioner so also the gratuity. The petitioner retired on 28.02.2013. Temporary pension was paid on 19.08.2013. The learned counsel submits that there was no reason to withhold the regular pension and the gratuity amount. The learned counsel submits that the petitioner is entitled for

interest on the delayed payment of gratuity and the pension.

2. Mr. Sakolkar, learned counsel for respondent no. 2 submits that the petitioner did not comply with the deficiencies, and because of the deficiencies the pension proposal could not be sanctioned. The learned counsel submits that temporary pension was already sanctioned to the petitioner and was paid. As the documents were not completed by the petitioner, the gratuity amount could not be paid earlier.

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

4. It is not disputed that the petitioner stood retired on 28.02.2013. The petitioner initially in June – 2013, filed an application for grant of temporary pension and the temporary pension was granted to the petitioner on 19.08.2013. The temporary pension was granted to the petitioner initially for a period of six months and subsequently again for a period of six months, thereafter regular pension has been granted in the year - 2015 and the pension amount is paid to the petitioner.

5. As the provisional pension was already paid and there was some

requirement of compliance, it would not be appropriate to grant interest on the delayed payment of pension.

6. As far as the gratuity is concerned, there was no reason to with hold the gratuity. The some ought to have been paid within a period of six months of the retirement.

7. The Respondent No. 2 shall pay interest at the rate of 9% on the amount of gratuity for a period of 1st September, 2013 till the date of payment of gratuity. The said amount of interest shall be paid within a period of six months from today.

8. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.]

ass/wp 2236.15

[S. V. GANGAPURWALA, J.]