

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

Writ Petition No.4980 of 2016

Smt. Sunanda Kisanrao Bhoyar

vs.

State of Maharashtra, through Secretary, Rural Development, Mumbai and others

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

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Court's or Judge's Orders

Shri S.I. Khan, Advocate for the Petitioner.
Shri S.P. Deshpande, A.G.P. for Respondent No.1.
Shri R.D. Bhuihar, Advocate for Respondent Nos.2 & 3.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.**

DATE : 5th MARCH, 2018.

01] On 2nd February, 2018, this Court has passed the following order.

“1] The request of learned A.G.P. to file appropriate reply explaining progress and outcome of enquiry to comply with orders of this Court dated 16/02/2017 is granted. However, that by itself is not sufficient as prayer of petitioner is to grant her interest. There is no reply opposing that prayer either by respondent no.1 or respondent no.2.

2] According to petitioner, she has received amount of Rs.19,76,872/- as terminal benefits and that is after more than 3½ years of her superannuation.

3] In this situation, even if interest is calculated at 5% on this amount, it easily works out to more than Rs.2,70,000/-.

4] We, therefore, direct respondent nos.1 & 2 to

deposit amount of Rs.1,00,000/- each provisionally with the Registry of this Court within next two weeks.

5] It is open to respondents to file appropriate reply in the meanwhile.”

02] Shri Bhuibhar, learned Counsel for respondent nos.2 & 3 states that amount of Rs.2,00,000/- has been deposited with the Registry of this Court.

03] The Chief Executive Officer of Zilla Parishad, Yavatmal has deputed a responsible Officer and upon his instructions, learned Counsel Shri Bhuibhar submits that inquiry into administrative delay is already underway and responsibility will be fastened on Officer found guilty. He is seeking time to complete enquiry.

04] Shri Khan, learned Counsel for petitioner points out that provisions of payment of interest is included in Rules 129-A and 129-B 129-A of the Maharashtra Civil Services (Pension) Rules, 1982. As per those rules, if petitioner is not at fault, is entitled to interest.

05] We are not inclined to delve into merits of the controversy. Since, respondent no.1-State has already initiated enquiry, we direct that said enquiry be completed within a period of three months.

06] Provisionally, we permit the petitioner to withdraw amount of Rs.2,00,000/- in deposit with the Registry of this Court and to appropriate it towards her claim for interest.

07] Respondent nos.1 & 2 shall work out as per law total interest and payable to petitioner within next three months and amount in balance shall be made over to petitioner within next two months.

08] Respondent no.1 can also complete necessary departmental enquiry and initiate action for recovery of loss to the public revenue, if any, as per law.

09] With these directions, we partly allow the writ petition and dispose of with no order as to costs.

JUDGE

JUDGE

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