

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO. 924 OF 2016**

Shaikh Fayyaz Ahmed s/o Aziz Ahmed

Petitioner

Versus

The State of Maharashtra  
& another

Respondents

Mr. A.S. Deshpande, Advocate for the petitioner.

Mr. S.G. Karlekar, AGP for respondents.

**CORAM: PRADEEP NANDRAJOG, CJ &  
R.G. AVACHAT, J.**

**DATE: 24.09.2019**

**PER COURT :**

1] The petitioner got partial success when the Tribunal disposing of Original Application No. 182/2014 vide order dated 17.07.2015, granted interest to him on delayed payment of gratuity but reckoned the commencement date to compute the period from 29.10.2014. The relevance of the date 29.10.2014 emerges from the fact that on the date when the petitioner superannuated from service i.e. 31.05.2013, he was

served with a charge-sheet alleging acts of delinquency relatable to the year 1998-1999. The charge-sheet was quashed vide order dated 29.10.2014 when Original Application No. 724/2014 was allowed by the Maharashtra Administrative Tribunal.

2] As per the Maharashtra Civil Services (Pension) Rules, 1982, gratuity is to be paid within three months of the date of superannuation and can be withheld if a Government servant is served with a charge-sheet.

3] The exercise of the statutory power is to be bonafide and not maliced.

4] The charge-sheet related to a fifteen years old stray incident of wrongly recommending promotion to a person.

5] The Tribunal has noted that the petitioner was not even a member of the DPC. The Tribunal has held that no wrong was committed by the petitioner when he recommended the names of the eligible persons.

6] Thus, we see no reason why either the charge-sheet was issued or

gratuity was withheld. The charge was not of a kind which if succeeded, would have resulted in an economical loss to the Government.

7] Thus, the petition is disposed of directing that interest should be paid to the petitioner on the delayed gratuity paid for the period reckoned three months of he being superannuated i.e. 31.05.2013 till the gratuity was paid i.e. 25.07.2016. The Tribunal has granted interest from 29.10.2014 till 25.07.2016. Thus, interest would be paid for the period reckoning three months after 31.05.2013 till 29.10.2014. Thus, interest would be paid for the entire period reckoning three months after 31.05.2013 till 25.07.2016. Payment would be made within three months from today.

8] Writ petition is disposed of.

(R.G. AVACHAT, J.)

CHIEF JUSTICE